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Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
SAMUEL WHITE,

PLAINTIFF ,

-against-

Case No:

2 : 20 - cv - 01501

COUNTY OF SUFFOLK, SUFFOLK COUNTY POLICE
DEPARTMENT, RONALD TAVARES, MICHAEL MILAU,
SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE,
DARRYL LEVY, LAURA NEWCOMBE, THOMAS SPOTA,
JOHN DOES 1-10, TIMOTHY SINI, OFFICE OF THE
MEDICAL EXAMINER CRIME LABORATORY (SUFFOLK
COUNTY) HELEN WONG, ODETTE R. HALL, M.D.,
JOHN PETERSON, and JAMES MCGUINNESS,

DEFENDANTS .

-----x
DATE: April 12, 2022

TIME: 10:07 a.m.

DEPOSITION of the Defendant,
COUNTY OF SUFFOLK, by a witness, ALEXANDER
CRAWFORD, taken by the Plaintiff, pursuant
to a Subpoena and to the Federal Rules of
Civil Procedure, held at the offices of
SUFFOLK COUNTY COUNTY, H. LEE DENNISON
BUILDING, 100 Veterans Memorial Highway,
Hauppauge, New York 11788, before Nancy
Weinschreider, a Notary Public of the State
of New York.

Page 2

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2 A P P E A R A N C E S:

3

4 LAW OFFICES OF STEPHANIE McCLURE, ESQ.

5

Attorney for the Plaintiff

6

SAMUEL WHITE

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101 Avenue of the Americas, 9th Floor

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New York, New York 10013

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BY: STEPHANIE McCLURE, ESQ.

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Email: stephanie@nycnjlawyer.com

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DENNIS M. COHEN, ESQ.

SUFFOLK COUNTY ATTORNEY'S OFFICE

Attorneys for the Defendants

COUNTY OF SUFFOLK, et. al.

H. Lee Dennison Building

100 Veterans Memorial Highway

Hauppauge, New York 11788

BY: BRIAN MITCHELL, ESQ.

Email: bmitchell@suffolkcountyny.gov

19

20

21

22

23

ALSO PRESENT: Brian Duval

24

Kyle Wood

25

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Page 3

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2 F E D E R A L S T I P U L A T I O N S

3

4

5 IT IS HEREBY STIPULATED AND AGREED by and
6 between the counsel for the respective
7 parties herein that the sealing, filing and
8 certification of the within deposition be
9 waived; that the original of the deposition
10 may be signed and sworn to by the witness
11 before anyone authorized to administer an
12 oath, with the same effect as if signed
13 before a Judge of the Court; that an
14 unsigned copy of the deposition may be used
15 with the same force and effect as if signed
16 by the witness, 30 days after service of
17 the original & 1 copy of same upon counsel
18 for the witness.

19

20 IT IS FURTHER STIPULATED AND AGREED that
21 all objections except as to form, are
22 reserved to the time of trial.

23

24

* * * *

25

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1 A. CRAWFORD

2 A L E X A N D E R C R A W F O R D ,
3 called as a witness, having been first duly
4 sworn by a Notary Public of the State of
5 New York, was examined and testified as
6 follows:

7 EXAMINATION BY

8 MS. McCLURE:

9 Q. Please state your name for the
10 record.

11 A. Alexander Crawford.

12 Q. What is your business address?

13 A. Suffolk County Police
14 Department, 30 Yaphank Avenue, Yaphank, New
15 York 11980.

16 MS. McCLURE: Can you mark this
17 as Plaintiff's 1, please?

18 (Whereupon, the aforementioned
19 documents were marked as Plaintiff's
20 Exhibit 1 for identification as of
21 this date by the Reporter.)

22 MS. McCLURE: So just to call
23 the case a bit more formally, we have
24 been placed on the record by the
25 Court Reporter in the matter of

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1 A. CRAWFORD

2 Samuel White versus Suffolk County,

3 et al. Today is April 12, 2022.

4 We're beginning at 10:08 a.m. We

5 have Alexander Crawford here.

6 Q. Sir, you have been sworn in.

7 You understand that today we will be doing
8 your deposition where you're placed under
9 oath just like you are at trial --

10 A. Yes.

11 Q. -- or at a formal hearing?

12 A. Yes.

13 Q. And you understand that of
14 course today that oath is the same as it is
15 in those settings where you have to tell
16 the truth, the whole truth and nothing but
17 the truth. You understand that?

18 A. Yes, I do.

19 Q. How many depositions have you
20 testified in up until today approximately?

21 A. Approximately eight or nine.

22 Q. So you know the drill?

23 A. Yes, I am familiar with the
24 process, yes.

25 Q. So you know that if I ask you

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1 A. CRAWFORD

2 any questions that you don't understand,
3 please let me know and it's perfectly
4 acceptable for you to stop me and say that
5 you don't understand the question or you
6 need me to repeat it.

7 A. Yes, I understand.

8 Q. I have a tendency to talk a bit
9 softly and in a room like this, I think
10 it's probably more appreciated than me
11 overwhelming everyone with a loud voice, so
12 if you don't have the ability to hear me at
13 any time, please also let me know because
14 it's important that you fully hear and
15 understand all the questions. Okay?

16 A. Yes, I understand.

17 Q. Okay, very good. All right.

18 So I am Stephanie McClure. I'm
19 the attorney for Samuel White and also, by
20 way of introduction, this is my assistant
21 today, Investigator Brian Duval. He will
22 be assisting me throughout the deposition.

23 MS. MCCLURE: I assume that no
24 one has any objection to the ordinary
25 stipulation and preserving, of course

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1 A. CRAWFORD

2 not waiving, any objections, Brian, I
3 heard you mention that earlier to
4 Mr. Crawford and that's certainly
5 acceptable to me that stipulation
6 that you're not waiving your rights
7 to object, but rather that you're
8 preserving them.

9 Does anybody else have anything
10 to place on the record before we get
11 started?

12 MR. WOOD: I do not.

13 MR. MITCHELL: And I do not.

14 MS. MCCLURE: Okay, very good.

15 Q. And actually, two more things
16 of recordkeeping. Of course, although no
17 judge will be present, Mr. Mitchell, as he
18 indicated to you, does have the right
19 although limited to object to certain kinds
20 of questions. If there is an objection,
21 unless he tells you directly not to answer
22 it, you are directed to answer it.

23 Additionally, before this
24 deposition can be used in a court, you will
25 have the full opportunity to review it for

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1 A. CRAWFORD

2 accuracies before such time, okay, all
3 right. Mr. Crawford, what is your present
4 title?

5 A. Inspector.

6 Q. And by whom are you so
7 employed?

8 A. The Suffolk County Police
9 Department.

10 Q. And Suffolk County Police
11 Department is an arm of the county; is that
12 correct?

13 A. That's an agency of the county,
14 yes.

15 Q. And what are your present
16 duties in that capacity?

17 A. I am the executive officer of
18 the Internal Affairs Bureau.

19 Q. Okay.

20 And by executive officer, tell
21 me what are your specific duties as an
22 executive officer?

23 A. I assist the commanding officer
24 in running the operations of Internal
25 Affairs Bureau.

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1 A. CRAWFORD

2 Q. Can you describe for me the
3 operations of running an Internal Affairs
4 Bureau?

5 A. Well, I obviously, there's the
6 investigative aspect of the
7 responsibilities of the office, conducting
8 investigations regarding civilian
9 complaints and other allegations of
10 misconduct; also the responsibilities of
11 the office include discovery production to
12 the DA's office, the County Attorney's
13 office, the U.S. Attorney's Office. It
14 also involves formal production to various
15 requestors, so, and then overseeing other
16 aspects of control operations, detective
17 operations as far as conducting audits,
18 doing checks; also Internal Affairs is
19 responsible for drug and alcohol testing
20 for the department.

21 Q. When you mentioned conducting
22 audits in the context of patrol, can you
23 tell me what you mean by conducting audits?

24 A. Can vary, will check to make
25 sure that officers respond to their post in

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1 A. CRAWFORD

2 a timely fashion and remain on their post
3 for the assigned period of time, will
4 conduct audits to ensure officers or
5 crossing guards assigned to crossing posts
6 are doing their jobs properly, we will
7 conduct audits of property section
8 contained to ensure that they're
9 maintaining and securing invoiced items in
10 a proper fashion, so it's wide ranging.

11 Q. And are those audits done
12 pursuant to a written policy or procedure?

13 MR. MITCHELL: I object to the
14 form. You can answer.

15 A. As far as a written policy, we
16 have a guidebook within Internal Affairs
17 Bureau; and as far as the policy manual for
18 the department, yes, it does require
19 various audits.

20 Q. So you have a guidebook and
21 also a policy manual, two separate
22 documents, is that right?

23 A. Yes.

24 Q. And are those issued and
25 re-issued every year or is there one

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1 A. CRAWFORD

2 standing manual that is updated whenever it
3 needs to be?

4 A. Yeah, it's updated
5 continuously.

6 Q. Do you know when the last
7 update to that was published?

8 A. For the policy manual?

9 Q. Yes.

10 A. That occurs on a daily basis.

11 Q. On a daily basis, okay.

12 So on a daily basis, the
13 written policy manual is updated?

14 A. Yes, as department directors
15 are issued amending the policies, yes.
16 It's amended on a continual basis, yes.

17 Q. Roger, I understand.

18 So when memoranda are issued
19 with regard to any pertinent material to
20 the policy manual, it becomes part and
21 parcel to the manual, correct?

22 A. Well, actually it's a
23 department general order. There are
24 various department orders, but a department
25 general order, yes, does amend the policy

1 A. CRAWFORD

2 manual.

3 Q. And where are those department
4 general orders stored?

5 A. They are disseminated
6 electronically on the internet for the
7 department. As far as the physical copies
8 of the orders, I believe they're maintained
9 at research and development.

10 Q. And where is that located?

11 A. That's within the headquarters
12 building.

13 Q. Which is where?

14 A. At 30 Yaphank Avenue in
15 Yaphank.

16 Q. And how about for the guidebook
17 separate from the policy manual, when was
18 that last published?

19 A. Well, it's, you mean published
20 or amended?

21 Q. What was the last edition?

22 A. It was probably about four or
23 five months ago.

24 Q. And is that updated on a
25 regular schedule or on an as-needed basis?

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1 A. CRAWFORD

2 A. As-needed basis.

3 Q. And where can one go in order
4 to find a copy of that guidebook and the
5 various editions of it?

6 A. That would be maintained within
7 the Internal Affairs Bureau.

8 Q. Which is located where?

9 A. Actually, we just moved. We're
10 now in Hauppauge, right behind the 4th
11 Precinct. Sorry, I don't know the street
12 address.

13 Q. That's all right.

14 A. The Hauppauge North Complex, I
15 believe it's called.

16 MR. MITCHELL: Yeah, this is by
17 counsel, the actual address is North
18 County Complex, Veterans Highway,
19 Hauppauge, New York 11788 and I don't
20 know the building number. Each
21 building in there has a number, so
22 whatever the building number it is.

23 A. C928.

24 Q. Thank you, gentlemen.

25 With regard to the amendments

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1 A. CRAWFORD

2 that are done on an as-needed basis, who
3 makes the determination?

4 A. The ultimate decision is made
5 by the commanding officer from the Internal
6 Affairs Bureau.

7 Q. And when you say ultimate
8 decision, is that because someone may
9 present him with an idea or a concern for
10 amendment?

11 A. Yes.

12 Q. Okay.

13 And then it would be up to him
14 to say yes or no, it goes in the manual or
15 no?

16 A. Yes, it would be up to her.

17 Q. Her, pardon. All right.

18 So going back to some
19 preliminaries. How long have you been in
20 law enforcement altogether, Mr. Crawford?

21 A. Little over 30 years.

22 Q. And can you give me an idea of,
23 clearly you probably started in patrol, is
24 that right?

25 A. Yes.

Page 15

1 A. CRAWFORD

2 Q. Worked your way to detective?

3 A. No.

4 Q. Never a detective, okay.

5 Can you track what you did from
6 the time you were on patrol until you're
7 sitting here now as an investigator?

8 A. Sure. As a police officer, I
9 was assigned to the 5th Precinct.

10 Q. Okay.

11 A. Then to the Highway Patrol
12 Bureau; then upon promotion to sergeant in
13 2000, I was assigned to 5th Precinct
14 patrol; then I was assigned to research and
15 development; and then to Internal Affairs
16 Bureau; and then upon promotion to
17 lieutenant in 2005, I remained at Internal
18 Affairs Bureau; and then transferred to
19 Special Patrol Bureau; then to the 7th
20 Precinct; then upon promotion to captain in
21 2014, I was assigned to Legal Bureau --

22 Q. Okay.

23 A. -- which is within the
24 Commissioner's office. Sorry.

25 Q. That's all right, take your

1 A. CRAWFORD

2 time.

3 A. 2016 I was assigned to 7th
4 Precinct.

5 Q. In what capacity?

6 A. As a captain; then, I was
7 assigned then to Highway Patrol Bureau as a
8 captain in also 2017; then 2018, I was
9 promoted to deputy inspector, I was
10 assigned to the 6th Precinct; and then in
11 2019, I was assigned to Internal Affairs
12 Bureau where I'm currently assigned.

13 Q. Okay.

14 That was pretty good, thank
15 you?

16 A. Yeah, sorry, the details is a
17 little hazy overtime.

18 Q. That's all right. That was a
19 lot of positions.

20 So at what point through that
21 course did you obtain your juris doctorate
22 and your legal degrees?

23 A. When I was a police officer.

24 Q. Okay.

25 So while you were on patrol, is

Page 17

1 A. CRAWFORD

2 that right?

3 A. Yes.

4 Q. So you did law school around
5 your shifts?

6 A. Yes, I worked a steady midnight
7 shift.

8 Q. Okay.

9 And when did you pass the bar?

10 A. In 1997.

11 Q. That said, in the course of
12 your history, I see that, I have made the
13 presumption originally which you corrected
14 that you would have gone from patrol to an
15 investigatory unit as a detective.

16 Throughout your various
17 promotions and supervisory capacities, were
18 they continually over patrol or did you
19 have direct chain of command over an
20 investigatory officer, a chain of officers
21 at any time?

22 A. The only supervisory position I
23 had in an investigative capacity is
24 currently in the Internal Affairs Bureau.

25 Q. So prior to this last position

Page 18

1 A. CRAWFORD

2 that you're holding, did you have to
3 undergo any additional special training or
4 instruction with regard to investigation or
5 investigation techniques?

6 A. I'm sorry, could you repeat
7 that?

8 Q. That's okay.

9 Prior to this current position
10 that you hold since you hadn't had previous
11 investigatory experience, did you have to
12 undergo any additional training or whatnot
13 in that regard specifically about
14 investigation techniques?

15 A. Okay. I thought your previous
16 question was regarding supervising
17 investigations?

18 Q. I'm asking if you had training
19 in investigation specifically.

20 A. Yes. When I was first assigned
21 as an investigator in the Internal Affairs
22 Bureau --

23 Q. Okay.

24 A. And that was in 2004.

25 Q. Can you tell me a little bit

Page 19

1 A. CRAWFORD

2 about that training, if you recall it?

3 A. Yeah, it was just like a basic
4 course in Internal Affairs Investigations
5 and there were a few training seminars that
6 I attended, but I'm sorry, I don't recall
7 the specific names at this point.

8 Q. That's okay. I wouldn't expect
9 you to.

10 So with regard to your
11 investigative training, is it fair to say
12 that it all pertained to the investigation
13 of Internal Affairs issues?

14 A. Yes, when I was assigned to the
15 Internal Affairs Bureau.

16 Q. Okay.

17 When you were going through
18 your time in patrol, did you have any
19 training specifically in investigating
20 street crimes, homicides or anything of
21 that nature?

22 A. You mean like a basic criminal
23 investigation course or anything of that
24 nature? No, not while I was in patrol. No.

25 Q. At any time?

Page 20

1 A. CRAWFORD

2 A. No.

3 Q. You're a member of any union?

4 A. I am currently a member of the
5 Suffolk Superior Officers Association.

6 Q. Tell me, what is the purpose of
7 splitting up the police union into superior
8 officers and regular non-superior officers?

9 MR. MITCHELL: I object to the
10 form, but you can answer.

11 A. I, maybe it was done before I
12 started my employment with the agency. I
13 would imagine it was --

14 MR. MITCHELL: I know it's a
15 figure of speech, but don't guess or
16 imagine.

17 THE WITNESS: Okay.

18 MR. MITCHELL: If you have some
19 basis for your knowledge, that's
20 fine.

21 A. I don't know why they were
22 split up as they were, as they were formed.

23 Q. Does the union have a function
24 or is it more of a social in nature?

25 MR. MITCHELL: I object to the

Page 21

1 A. CRAWFORD

2 form. You can answer.

3 A. It's, no, each union has a
4 function. They're the bargaining
5 representative for all of the members.

6 Q. When you say bargaining
7 representative, can you explain to me what
8 that means?

9 MR. MITCHELL: I object to the
10 form. This is beyond the scope of
11 the 30B. I'm going to direct him not
12 to answer.

13 MS. MCCLURE: I had specifically
14 asked about all of his knowledge with
15 regard to the Suffolk County Police
16 Department and it does go into
17 recordkeeping, but part of what we're
18 talking about today, Brian, is
19 Internal Affairs records, some of
20 these records having to do with
21 issues that pertain to union related
22 issues and outcomes that pertain to
23 union related issues, so it's a fair
24 question.

25 MR. MITCHELL: I disagree. I'm

Page 22

1

A. CRAWFORD

2

directing him not to answer questions
about the make-up of the union --

4

MS. McCLURE: Okay.

5

MR. MITCHELL: -- as far as the
union being involved in, if there's
an IA investigation, that's
different, but you're asking about
the structural make-up of the union.
He's not here for that, so I'm
directing him not to answer.

10

11

MS. McCLURE: Okay. That's

fine. Madam Reporter, I would just
ask you to note and mark that
question for follow-up at a later
date.

17

18

Q. But you said you are a member
of that Superiors Officers Union, is that
right?

19

A. Yes.

21

Q. How long have you been there?

22

23

A. Since my promotion to sergeant
in 2000.

24

25

Q. And have you ever held an
office within that union?

Page 23

1 A. CRAWFORD

2 A. As a board member?

3 Q. Yes.

4 A. Yes.

5 Q. And do you currently hold an
6 office?

7 A. No.

8 Q. Okay.

9 Can you tell me the years when
10 you were a board member of any kind?

11 A. I served as a trustee for the
12 Superiors Officers Association from 2011 to
13 2014 and then I served as the sergeant at
14 arms in, from 2015 to 2018.

15 Q. Have you ever been deposed
16 before as a representative of the union in
17 any capacity?

18 A. No.

19 Q. No, okay.

20 Have you ever appeared on
21 behalf of a member in a representative
22 capacity on behalf of the union?

23 MR. MITCHELL: I object to the
24 form, but you can answer.

25 A. I, in what capacity?

Page 24

1 A. CRAWFORD

2 Q. At any hearing. Have you gone
3 along with an officer for any purpose to
4 assist him on his behalf?

5 A. Not for a hearing. I used to
6 provide assistance with disciplinary issues
7 when I was on the board.

8 Q. Okay.

9 What kind of assistance?

10 A. Just providing counseling and
11 appearing at Internal Affairs interviews.

12 Q. So almost as counsel for them,
13 legal counsel?

14 A. No, as union, union counsel.
15 That would be separate legal union counsel.

16 Q. And with regard to your prior
17 depositions, have you ever been designated
18 by the county as you have today as a
19 representative under 30B6?

20 A. No.

21 Q. And you're familiar with that
22 rule as someone with a legal background?

23 A. Yes.

24 Q. So you understand today that
25 that is your role today?

Page 25

1 A. CRAWFORD

2 A. Yes.

3 Q. And it's your first time?

4 A. Yes.

5 Q. And before, especially given
6 that, before today, did you have the
7 opportunity, without telling me what you
8 guys talked about, to speak or get-together
9 with Mr. Mitchell for preparation?

10 A. Yes.

11 Q. Did you meet with anyone else?

12 A. No.

13 Q. And did you review any
14 documents of any kind in preparation for
15 today?

16 A. Yes, I, yes, I did.

17 Q. Okay.

18 Can you tell me what you
19 reviewed, do you recall?

20 A. Yes, the affidavit that I had
21 submitted regarding the matter.

22 Q. That's it?

23 A. Yeah.

24 Q. Okay.

25 No policies, procedures, guide

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1 A. CRAWFORD

2 books?

3 A. No.

4 Q. No, okay.

5 Nothing with regard to the
6 storage of files or software used to
7 maintain them, nothing?

8 A. No, I'm pretty familiar with.

9 Q. Is that because you use it all
10 the time?

11 A. Yes.

12 Q. So you have mastered the craft
13 of your organizational software and
14 systems?

15 MR. MITCHELL: I object to the

16 form. You can answer.

17 A. For the purposes of Internal
18 Affairs Bureau?

19 Q. Yes.

20 A. Yes, I'd like to think so.

21 Q. Okay, very good.

22 So with regard to the subpoena
23 that was issued for you today, it's been
24 marked Exhibit 1. Fellas, I think you've
25 had a chance to look at it. Do you

Page 27

1 A. CRAWFORD

2 recognize that specific form?

3 MR. MITCHELL: Now, are you
4 referring to the notice, the 30B
5 Notice?

6 MS. McCLURE: Yes.

7 MR. MITCHELL: Okay. I'm
8 splitting hairs here, but it's not a
9 subpoena. It's a notice, it's what
10 we're talking about, 30B Notice.

11 Q. It's Exhibit 1?

12 A. Yes.

13 Q. And you had the opportunity to
14 review that --

15 A. Yes.

16 Q. -- prior to today?

17 A. Yes.

18 Q. So you saw the issues that we
19 wanted to talk about today specifically
20 with regard to a number of things that are
21 not enumerated, but set forth within the
22 notice?

23 A. Yes.

24 Q. And do you consider yourself
25 qualified to speak on all of those issues

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1 A. CRAWFORD

2 as they're written in that, in any
3 tangential related issue that might come
4 up?

5 MR. MITCHELL: I object to the
6 form. You can answer.

7 A. Yes.

8 Q. Can you tell me what makes you
9 so qualified to speak on behalf of the
10 county as to all of those things?

11 MR. MITCHELL: I object to the
12 form, but you can answer.

13 A. Because of my knowledge and
14 experience, being assigned to Internal
15 Affairs Bureau.

16 Q. Okay.

17 And of all of the different
18 capacities that you were counted for, and
19 forgive me, I wasn't taking note of all the
20 years that you were dictating, sort of
21 speak, how many years altogether have you
22 served in Internal Affairs in one capacity
23 or another?

24 A. Approximately six years.

25 Q. Six years, okay.

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1 A. CRAWFORD

2 And so through those six years,
3 you have gone through a couple of different
4 administrations if you will, at least?

5 A. Yes, two.

6 Q. Okay.

7 Mr. Crawford, in addition to
8 reviewing your affidavit and just through
9 generalized knowledge as well as meeting
10 with Mr. Mitchell, did you take any time to
11 study anything else, any policy or
12 procedures that are going to be perhaps
13 going into effect or changes that are
14 currently proposed, anything of that
15 nature?

16 MR. MITCHELL: I object to the
17 form. You can answer.

18 A. I'm sorry, did I look into
19 anything that's being proposed?

20 Q. Right, yes.

21 A. For preparation for today?

22 Q. Yep.

23 A. No.

24 Q. No, okay.

25 And how many times did you meet

Page 30

1 A. CRAWFORD

2 with Mr. Mitchell to prepare for today?

3 A. Two times.

4 Q. Two times, okay.

5 Do you feel as though you've
6 had enough time to go over anything that
7 you might have wanted to go over with him
8 in preparation for today?

9 MR. MITCHELL: I object to the
10 form, but you can answer.

11 A. Yes, I think I'm prepared for
12 whatever questions you have.

13 Q. Okay, very good.

14 Do you guys in IA use a
15 specifically designated IT department, so
16 information technology department to
17 maintain your software and data?

18 A. I'm sorry, are you asking does
19 the department have an IT section?

20 Q. Yes, its own.

21 A. Yes.

22 Q. So it's separate and apart from
23 the counties in general and the police
24 department, you have your own IA IT
25 department, is that right?

Page 31

1 A. CRAWFORD

2 A. No, it's not an IA IT, we do
3 have a department IT section.

4 Q. And who does that department
5 serve besides IA?

6 A. The whole department.

7 Q. The whole department, okay.

8 And can you tell me which
9 softwares you use to maintain your files
10 on-line?

11 A. An Internal Affairs Bureau?

12 Q. Yes.

13 A. IAPro.

14 Q. Do you know which version that
15 you use?

16 A. As far as version number, no,
17 no, I don't.

18 Q. Do you know someone that would
19 know that?

20 A. We could have somebody check on
21 the computer.

22 Q. Okay.

23 Yes, part of the things that
24 we're going to be talking about today are
25 specifics with regard to how you maintain

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1 A. CRAWFORD

2 your records and I think it is important to
3 know which version you're operating to
4 fully understand the use, and so I'm going
5 to ask that if you don't know the answer to
6 that question, perhaps you could take a
7 minute for you to step out and check the
8 computer or make a phone call to find out
9 which version?

10 MR. MITCHELL: Yes, that's fine.

11 You want to do that now?

12 MS. MCCLURE: Sure. We can go
13 off the record.

14 (Whereupon, a five-minute break
15 was taken.)

16 MS. MCCLURE: Back on the
17 record.

18 Q. So we're back on the record
19 after a short recess. All the same parties
20 have returned and are present.

21 Mr. Crawford, of course, you
22 realize you're still under oath the same as
23 before and that will be the same for any
24 break and regrouping throughout the day,
25 all right?

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2 A. Yes, I understand.

3 Q. Okay.

4 So that said, were you able to
5 make a phone call and find out which
6 version of IAPro you guys are using?

7 A. Yes.

8 Q. And which version is that?

9 A. 7.5.197.

10 Q. One more time?

11 A. 7.5.197.

12 Q. 7.5.197, okay.

13 And are you aware of whether or
14 not that's the most current version?

15 A. No, I'm not aware.

16 Q. Are you aware of how long you
17 guys have been running that version?

18 A. No.

19 Q. Have you ever taken a look at
20 any of the user manuals for any version of
21 IAPro?

22 A. Yes, I have.

23 Q. But you did not look at it in
24 preparation for today?

25 A. No.

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2 Q. Are you aware of whether the
3 user manual that you use corresponds with
4 the same version that you currently
5 operate?

6 A. That, I am, I'm not aware of.
7 There's a particular user manual for that
8 version that we use currently.

9 Q. Okay.

10 Is there someone in your office
11 that is more knowledgeable with regard to
12 the IAPro system than you are?

13 MR. MITCHELL: I object to the
14 form. You can answer.

15 A. As far as using it or are you
16 talking about like updates and tech
17 support?

18 Q. I'm talking specifically about
19 the capacity of the software and how you
20 use it, so you could answer in two parts if
21 you want.

22 Is there someone who has a
23 better understanding than of the capacity
24 of the IAPro software meaning the functions
25 that are capable of running?

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2 MR. MITCHELL: And I object to
3 the form, but you can answer.

4 A. As far the capabilities of the
5 software, I don't know, possibly someone in
6 our IT section. As far as the day to day
7 usage and how we use it, no, I'm not
8 familiar.

9 Q. Do you know whose decision it
10 was to use that software in particular of
11 all the softwares that can be used?

12 A. It was a decision made under
13 Commissioner Dormer, D-O-R-M-E-R.

14 Q. And do you recall about what
15 years Commissioner Dormer served in that
16 capacity?

17 A. Commissioner Dormer served as
18 commissioner from 2004 through 2011.

19 Q. So since 2011, are you aware of
20 whether or not that software has been
21 updated at all?

22 A. Yes, we have periodic updates.

23 Q. And when you run those updates,
24 is the system integrated with the new
25 version and any new capabilities that a new

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2 version may have?

3 A. I'm sorry, can you ask that one
4 more time?

5 Q. Sure.

6 When you run a new system, so a
7 new system is put into your office. Is all
8 of the information from the former system
9 input into the new system or is it legacy
10 that you have an old system and a new
11 system?

12 A. The data that's actually stored
13 in the system is legacy and it's just
14 assimilated with whatever updates are added
15 to the system.

16 Q. So then if the information in
17 the old version is legacy, given that, are
18 you aware of whether or not any old
19 functions, old flags, old monitoring are
20 carried over to the new system
21 automatically?

22 MR. MITCHELL: I object to the
23 form. You can answer.

24 A. I, are they automatically when
25 the update occurs? No, I don't, I don't

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2 believe any of the -- no, no, any of the
3 monitoring that's in the system, you know,
4 not with any of the updates. It's not as
5 if we're working from a new and have to
6 create everything all over again.

7 Q. Okay.

8 So are you saying that when you
9 run the update, some information is
10 imported as far as the employees or whatnot
11 or do you work completely anew from a
12 system?

13 A. No, all the data is maintained
14 in the system.

15 Q. Okay.

16 But the functions are not
17 transferred, so monitoring, flagging all of
18 that are automatically transferred, someone
19 has to trigger that?

20 MR. MITCHELL: I object to the
21 form of the question. You can
22 answer.

23 A. As far as the actual technical
24 set up, that, I'm not sure.

25 Q. And are you not sure because

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2 that's not something that you consider to
3 be particularly important for your role?

4 MR. MITCHELL: I object to the
5 form. You can answer.

6 A. No, it's very important, but we
7 never had an issue. I don't recall any
8 updates where we erased any data or any --
9 and, you know, the monitoring in the system
10 is a continual process, so I'm not aware of
11 any resets or anything where we had lost
12 data or flags or anything of that nature.

13 Q. Have you ever asked?

14 A. Have I asked what?

15 Q. If any information would be
16 lost or fallen through the cracks with
17 assimilation into a new version?

18 MR. MITCHELL: I object to the
19 form. You can answer.

20 A. I never had a concern with
21 that. I'm not aware of any loss of data,
22 I'm not aware of any lapses with any of the
23 monitoring or flagging in the system.

24 Q. Okay.

25 And is the administration of a

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2 new update subject to any standards of
3 procedures, protocols?

4 MR. MITCHELL: I object to the
5 form of the question. You can
6 answer.

7 A. As per our IT section, no, not
8 aware of the protocols or procedures.

9 Q. Does IT have protocols or
10 procedures?

11 MR. MITCHELL: I object to the
12 form. You can answer.

13 A. I don't know. I presume that
14 they do, but I never worked in the IT
15 section. I defer to the experts.

16 Q. All right, you defer to the
17 experts.

18 So you're not prepared then to
19 speak on the technological side of how IA
20 files are stored and maintained, but
21 someone else should speak on that, as to
22 that, is that fair to say?

23 MR. MITCHELL: I object to the
24 form. I will allow him to answer it.
25 The portion of your question I'm

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2 objecting to is someone else should
3 speak to. He doesn't, regardless of
4 whether he's here as a 30B witness or
5 as a fact witness or anything, the
6 question itself is objectionable
7 because it's not his place to testify
8 as to who should be giving
9 information. That being said, you
10 can answer if you can.

11 Q. Well, you have already
12 testified, correct, that you defer to the
13 experts. What did you mean by that?

14 A. When it comes to any
15 programming of our computers, I, I know to
16 defer to the IT people and that's our IA
17 requirement and policy of the department.

18 Q. So it's a policy of the
19 department not to ask any questions per se,
20 but just to leave IT to what they do?

21 MR. MITCHELL: I'm going to
22 object to the form. You can answer.

23 A. When it comes to any computer
24 programming, we defer to the expertise of
25 the programmer, so if the ones that are

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2 actually experts that when it comes to
3 computer equipment, my expertise runs to
4 using it and how we maintain the data. As
5 far as the technical aspects of it, no, I'm
6 not familiar.

7 Q. Has your department ever done
8 any type of audit of the information from
9 one version to another to make sure that
10 everything is A OK in there?

11 MR. MITCHELL: I object to the
12 form. You can answer.

13 A. We use the software on a
14 continual basis throughout the day. If we
15 have a glitch in the system or if we have
16 any problems, then yes, at that point we
17 then we seek assistance, but as far as
18 audits, I mean this is, you know, never
19 done an audit to check to make sure that we
20 haven't lost files or anything because it
21 would be noticeable. You know, if we went
22 to run data or input anything and all of a
23 sudden the data was lost, it would be
24 noticeable.

25 Q. How many files do you think are

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2 in there?

3 A. In the computer system?

4 Q. Yes.

5 A. What kind of files? Are you
6 talking about altogether?

7 Q. All of them, yes.

8 A. In the computer system, you got
9 to remember, it's not limited to
10 investigative files. It also includes all
11 the alerts, notifications, et cetera, so I
12 would say in the tens of thousands.

13 Q. But you would feel it would be
14 noticeable if something was missing?

15 MR. MITCHELL: I object to the
16 form. You can answer.

17 A. Yes.

18 Q. And why do you feel that way?

19 MR. MITCHELL: I object to the
20 form. You can answer.

21 A. Because we have discovery
22 demands made upon the office on an hourly
23 basis in which we have to produce files
24 dating back sometimes 30 or 40 years and if
25 any files were missing, it would be

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2 noticeable.

3 Q. Do you maintain any kind of
4 paper copy or list that mirrors the
5 information in the IAPro system?

6 A. Yes.

7 Q. You do, okay. Tell me about
8 that.

9 MR. MITCHELL: I object to the
10 form. You can answer.

11 A. Every file within IAB is kept
12 in paper form and some of them are
13 maintained in digital form on IAPro, but we
14 have all of the paper files maintained
15 within the office.

16 Q. So some of them are uploaded
17 into the system, but all of them are in
18 paper form in the office; is that correct?

19 A. Yes.

20 Q. Who makes the decision as to
21 what gets uploaded into the system?

22 A. Well, as of about seven or
23 eight years ago, every file is maintained
24 in a digital format, but as far legacy
25 files, some of them are only maintained on

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2 paper and haven't been digitized.

3 Q. Where are the legacy files
4 kept?

5 A. Within the office of IAB.

6 Q. And what is the storage system
7 of those files?

8 A. They're paper files, they're
9 maintained in file cabinets, many file
10 cabinets.

11 Q. Okay.

12 Are they by number, by last
13 name?

14 A. By number.

15 Q. Is there any back-up of that
16 paper filing system such that if anything
17 were ever to happen, say, a fire that that
18 information wouldn't be lost?

19 A. Like I said, most of the files
20 have been digitized, but there are some
21 from many years ago that have not. Some of
22 the older files have been copied to
23 microfilm and the paper files for those are
24 stored in file cabinets, so yes, the files
25 are maintained in many forms.

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2 Q. Is it fair to say that the
3 files are maintained in some form of
4 electronic back-up or microfiche back-up or
5 are there files that exist that are only on
6 paper?

7 A. There are some files that only
8 exist on paper.

9 Q. And when do you think they
10 would be from, ancient files?

11 A. Yes, most of them, yes, that
12 are old files, but at some point in history
13 we had a need to produce files for
14 discovery or for any other purpose and they
15 weren't stored digitally, they would be
16 digitized, so that if they were maintained
17 in IAPRO, but no, there were some files
18 that are just maintained in paper format.

19 Q. So from, say, the year 2000, so
20 from 2000 until now, is it fair to say that
21 all of those files are some way backed up
22 and digitized somehow?

23 A. No, not all of them. There
24 would be some files that are just
25 maintained in paper format.

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2 Q. Not microfiche for those?

3 A. No, the microfilm only goes to
4 files through, I believe, to '95 -- from
5 the files of the year 1995 and prior to
6 that are, have been placed on microfilm,
7 but we still have the paper versions, but
8 the microfilming, that stopped for the
9 files, like I said, in 1995.

10 Q. What is your understanding of
11 the reason why those files up through 1995
12 were placed on microfilm?

13 MR. MITCHELL: I object, but you
14 can answer.

15 A. So the files could be, they
16 would be stored in the microfilm, so they
17 would be available. We used to have
18 microfilm machines to pull the files. As
19 far as the decision why and why it ceased
20 at that point, I don't know.

21 Q. Would you agree that putting
22 them on microfilm did indeed make it
23 easier, quicker to access those files?

24 MR. MITCHELL: I object, but you
25 can answer.

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2 A. Have you ever used a microfilm
3 machine?

4 Q. I have.

5 A. It's, in my opinion, much
6 easier to access the paper file than it is
7 to locate a file on thousands of pages on a
8 microfilm reel.

9 Q. It sounds like a large
10 undertaking to put all of those files on
11 microfilm, right?

12 A. As far as I understand, yes, a
13 great undertaking, yes.

14 Q. So there must been some reason
15 for it, correct?

16 MR. MITCHELL: I object. You
17 can answer it.

18 A. I'm sure there's a reason why
19 they stopped doing it, but that, I don't
20 know.

21 Q. So from 1996 until seven or
22 eight years ago when everything started
23 being digitized, that span of files, from
24 '96 to seven or eight years ago is all on
25 backed up, is that right, it's all on paper

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2 or how would you be able to tell?

3 A. No, most of the files are
4 digitized, but there are some files that
5 are only available for paper form.

6 Q. What percentage of those files
7 are only available on paper form?

8 A. I'd say 10 to 15 percent.

9 Q. And everything is else is
10 digitized at this point?

11 A. Yes.

12 Q. So what system are they stored
13 in, are they part of IAPro or something
14 else?

15 A. IAPro.

16 Q. Who uses IAPro within your
17 office?

18 A. All of the members assigned to
19 the office.

20 Q. Okay.

21 Does everyone have the same
22 access to the files and information on
23 there?

24 A. No.

25 Q. Can you describe the different

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2 levels of access?

3 A. There are limitations that can
4 be imposed on files, so some of, all files
5 are confidential; however, some are labeled
6 as confidential on top of confidential and
7 limiting the access to everybody in the
8 office.

9 Q. That's it?

10 A. As far as procedures within the
11 office, yes.

12 Q. Okay.

13 So you're aware then that IAPRO
14 has other capabilities to label files, to
15 restrict files, right?

16 A. Yes.

17 Q. Can you tell me what your
18 understanding is of the capability of the
19 system?

20 A. As far as the other uses that
21 are available, no, I'm familiar with our
22 usage of the system, yes.

23 Q. But you don't know the other
24 abilities of the software, for example, the
25 other items and the drop down menu for

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2 classification, you're not aware of those
3 or you are?

4 A. As far as the categorization
5 with each file --

6 Q. Yes.

7 A. -- no. As far as the drop down
8 menus and the limitations imposed, we just
9 use, it's either confidential or not
10 confidential within the office, but just to
11 make it clear, all our files are
12 confidential, but just within IAPro, we can
13 limit access to just the commanding
14 officer, executive officer and the three
15 captains.

16 Q. Okay.

17 And what is the reason for
18 limiting information?

19 A. Depending on the circumstances
20 of a case or the information involved is
21 just to prevent anybody who doesn't have a
22 need to from accessing the file.

23 Q. Does the IAPro office allow
24 access to any other members of law
25 enforcement who is not specifically in IA?

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2 A. The commissioner and the two
3 deputy police commissioners.

4 Q. That's it?

5 A. That's it.

6 Q. Who makes that decision?

7 A. That was the commissioner that
8 made that decision.

9 Q. Which commissioner?

10 A. Commissioner Harrison.

11 Q. And when was Commissioner
12 Harrison in that office?

13 A. When did he become
14 Commissioner?

15 Q. Yes.

16 A. January 1st -- or actually
17 December 27th.

18 Q. So it was his decision to make
19 sure that he had access to IAPro as well as
20 certain folks underneath him in his chain
21 of command as well as the Internal Affairs
22 Department, is that right?

23 A. The Internal Affairs Bureau
24 already had access, but as far as access
25 outside of Internal Affairs Bureau, yes,

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2 Commissioner Harris, Deputy Police
3 Commissioner Anthony Carter and Deputy
4 Police Commissioner Risco Mention-Lewis,
5 R-I-S-C-O; Mention, M-E-N-T-I-O-N, hyphen,
6 Lewis, L-E-W-I-S.

7 Q. So before December 27, 2021,
8 the Commissioner did not have access to
9 IAPro; is that correct?

10 A. No, Acting Commissioner Cameron
11 had access to IAPro and Risco Mention,
12 Deputy Police Commissioner Risco
13 Mention-Lewis also had access.

14 Q. As far as you can remember back
15 in your current capacity, has the
16 Commissioner and whoever they made
17 designated in their chain of command, had
18 they always also had access to IAPro
19 besides the IA Department?

20 A. Commissioner Hart did not have
21 access, but First Deputy Police
22 Commissioner James Skopek had access.

23 Q. And when was that person in
24 office?

25 A. Commissioner Hart was

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2 commissioner between 2018 and 2021.

3 Q. And are you aware if whether or
4 not they use any of the classifications in
5 addition to the confidential
6 classifications for files?

7 A. Are you talking, who's they,
8 the Commissioner?

9 Q. The Commissioner and anyone
10 under, in their direct chain of command who
11 has access?

12 A. I don't know. I, could you ask
13 the question one more time, please?

14 Q. Sure.

15 Are you aware if whether or not
16 they have the ability to classify any
17 information in IAPro using either the
18 confidential designation or the others
19 which are top secret and unclassified?

20 A. They do. As to whether or not
21 they use that, I don't know.

22 Q. Who has the ability to input
23 information in the IAPro system?

24 A. Everybody assigned to the
25 office.

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2 Q. Is everyone's imputability
3 unrestricted?

4 A. What do you mean by
5 unrestricted?

6 Q. Does everybody have full access
7 to input information into the system as
8 much as or as little as they would like?

9 A. As far as reporting?

10 Q. As far as any input that may go
11 in.

12 A. Administrative access, no, they
13 don't have, but as far as reporting, yes,
14 they have access.

15 Q. Tell me about administrative
16 reporting, what is that?

17 A. As far as creating files or
18 eliminating files from IAPro, the
19 investigators don't have that access.

20 Q. So the investigators don't have
21 access, it's administrators that have
22 access for those purposes, is that right?

23 A. Yes.

24 Q. And who is it that makes up
25 those administrators currently, what are

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2 the titles of those folks who have that
3 access?

4 A. The commanding officer, the
5 executive officer, the three captains and
6 also the Administrative One in the office.

7 Q. What is an Administrative One?

8 A. She's the head clerical within
9 the office.

10 Q. Perhaps it's a good time for me
11 to understand the structure of the offices
12 a little bit.

13 Could you start just very
14 generally explain to me the chain of
15 command within Internal Affairs and how
16 they may work with any administrative folks
17 that you were just saying?

18 A. Okay. There's a commanding
19 officer, an executive officer; right now we
20 have three captains and each captain is in
21 charge of an investigative team and
22 ordinarily, we have 18 investigators
23 assigned to the office. We just lost two
24 transfers in promotions on Friday, so right
25 now we have 16 investigators, but

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2 ordinarily there would be three
3 investigative teams with six investigators
4 on each team, and then we have a field
5 auditing unit which is three lieutenants, a
6 sergeant; and then as far as an admin
7 staff, we have four members of the admin
8 staff, they have clerical responsibilities
9 and the head clerical, her position is per
10 Civil Service Administrative One.

11 Q. You mentioned 18 investigators
12 ordinarily was the term that you had used.
13 How long have you had that many
14 investigators in that unit?

15 A. What do you mean, how long has
16 the staffing been 18 investigators?

17 Q. Yes.

18 A. That staffing level has been in
19 effect for many years dating back to when I
20 worked as an investigator, but the actual
21 staffing levels of Internal Affairs Bureau
22 will fluctuate, depending on promotions,
23 transfers, things of that nature, but
24 ideally, we have 18 investigators and we're
25 hoping to have a full compliment at the end

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2 of this week again.

3 Q. And you said you've had it for
4 many years since you have been an
5 investigator, but forgive me, again, I
6 wasn't keeping track of the years that you
7 served in your position, so I can't
8 extrapolate that information, so for how
9 long has the staffing been at 18 for that
10 position?

11 A. Well, it's, again, it
12 fluctuates. When I was an investigator
13 assigned to Internal Affairs Bureau between
14 2004 and 2007, the staffing level was 18
15 investigators, but like I said, it would
16 fluctuate occasionally based on transfers
17 and promotions.

18 After I left the office, the
19 staffing apparently went down and then when
20 I got back into the office in 2018, it was
21 at 18.

22 Q. Who is responsible for
23 determining how many investigators are
24 needed in that position?

25 A. For staffing, that's the

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2 Commissioner's purview.

3 Q. And for each of those roles
4 that you just went down, does each staffing
5 position have its own procedures and
6 policies that they have to follow in the
7 form of a written manual?

8 MR. MITCHELL: I object, but you
9 can answer.

10 A. Could you repeat that question,
11 please?

12 Q. Is there a procedure manual for
13 each staffing position?

14 MR. MITCHELL: I object, but you
15 can answer.

16 A. Procedure manual for a staffing
17 position, I don't understand what you're
18 asking.

19 Q. For each job within your
20 office, does each job have a standard
21 operating procedure or a manual with
22 procedures they have to follow?

23 A. Yes, for Internal Affairs
24 Bureau, yes, there is a guidebook for the
25 investigators.

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2 Q. Okay.

3 And for, just for the
4 investigators or everyone? Is everyone --

5 A. No, it applies to all personnel
6 within the office.

7 Q. One guidebook for all?

8 A. Yes.

9 Q. And who is it that makes that
10 --

11 A. We maintain it within the
12 office.

13 Q. Who's responsible for the
14 policies and procedures then?

15 A. The commanding officer.

16 Q. The commanding officer, okay.

17 And how long have those, has
18 that manual currently been in place in its
19 current form?

20 A. What do you mean by its current
21 form?

22 Q. In the current form that it's
23 in right now, I believe you testified about
24 a guidebook and policy manual. How long
25 has the current guidebook been in its

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2 current form?

3 A. What do you mean by current
4 form? You mean the last time an amendment
5 was made to it?

6 Q. Yes.

7 A. About four, five months ago.

8 Q. And when does someone receive
9 that guidebook?

10 A. Upon assignment. It's
11 available as a reference with any [sic]
12 office and it's provided to new
13 investigators when they get to the office
14 when they get transferred and new captains.

15 Q. And after they receive a copy
16 of the guidebook, how do they receive
17 amendment?

18 A. The amendments are usually
19 disseminated either electronically or by
20 Email or through paper version.

21 Q. Going back to IAPRO, I know you
22 testified earlier that you currently run
23 7.5.197, that's correct?

24 A. Yes.

25 Q. And am I correct in also saying

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2 that everyone within the Internal Affairs
3 Department has access to it?

4 A. Has access to IAPro, yes.

5 Q. Yes?

6 A. Yes.

7 Q. What training do they receive
8 in IAPro specifically?

9 A. Generally it's more experienced
10 officer within the command will provide
11 instruction to anybody who is recently
12 transferred into the office.

13 Q. There's no formalized training
14 of any kind?

15 MR. MITCHELL: I object to the
16 form. You can answer.

17 A. As far as formal, no.

18 Q. No class?

19 A. No class, no.

20 Q. Guidebook?

21 A. The guide, there's a guidebook
22 available in the office as a reference, but
23 usually somebody who is proficient in the
24 system will provide instruction to whoever
25 is new to the office.

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2 Q. You testified earlier that you
3 were not sure how often it's updated.
4 Since you have been using it, have you seen
5 any changes to the format or to the way
6 that you use the software?

7 A. Since I've been in the office,
8 any noticeable changes, no.

9 Q. Do you know which version was
10 used back in 2006?

11 A. No, I don't.

12 Q. Do you have any idea how many
13 updates may have been made?

14 A. To the software, no.

15 Q. Do you get any kind of notice
16 before an update is made?

17 A. Usually the company will send a
18 notification that an update is available.

19 Q. And whose decision is it to run
20 that update?

21 A. Decision to run the update, I
22 mean that's, you know, if it's just
23 software update, we have our Admin One --

24 Q. Okay.

25 A. -- managing the update.

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2 Q. So who is responsible for
3 finding out what the update entails?

4 A. The Admin One.

5 Q. So the Admin One is responsible
6 for receiving notice of the update and
7 determining whether or not it's in the
8 County's best interest to run it?

9 MR. MITCHELL: I object to the
10 form. You can answer.

11 A. No, if we get an update, then
12 we incorporate it into the system or if we
13 get word of an update, then we incorporate
14 it into the system.

15 Q. You said no, but your answer
16 sounded like a yes answer.

17 So when you guys get, do you
18 get an Email, is that how you get notice?

19 A. Generally it's a Email.

20 Q. So when you get notice by Email
21 or otherwise that an update needs to be run
22 to the IAPro system, it's the Admin One's
23 job to run that update, correct?

24 A. To coordinate with our IT
25 section and also with IAPro.

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2 Q. So take me step by step. She
3 receives notice that an update needs to be
4 run and then what is her duties next?

5 A. To coordinate with our IT
6 section and then with IAPro.

7 Q. So whose job is it to find out
8 what the update is?

9 MR. MITCHELL: And I object, you
10 can answer.

11 A. Who job is it, IAPro.

12 Q. So you automatically run it
13 without any investigation as to what it's
14 going to be changing in your system?

15 MR. MITCHELL: I object to the
16 form, but you can answer.

17 A. I mean we get notice of the
18 recommended software amendment, but I'm not
19 aware of any time where we decided not to
20 run an update. I mean we have to reply on
21 our [sic] vendor.

22 Q. Okay.

23 So you rely on the vendor and
24 don't make any inquiry as to what the
25 update is going to be doing to your data or

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2 this system, is that right?

3 MR. MITCHELL: I object, but you
4 can answer.

5 A. Yes, we get a description as to
6 what the update, you know, as with any
7 software update, the general purpose of the
8 update and then we coordinate the measure
9 to make sure the update is conducted.

10 Q. So when you get the general
11 notice of the update, it comes now with a
12 description of what the update does?

13 A. Generally, yes.

14 Q. Okay.

15 Is there any policy or
16 procedure in place that when an update
17 comes in measures have to be taken
18 specifically to find out what it's going to
19 be doing to IAPro beyond just the Email
20 from the vendor before it's run?

21 MR. MITCHELL: I object. You
22 can answer.

23 A. I'm sorry, could you ask the
24 question again, please?

25 Q. Is there any policy or

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2 procedure that needs to be done when the
3 County receives notice of an update to
4 investigate the purpose of the update
5 beyond what it just says in the Email from
6 the vendor before it makes the decision to
7 run the update?

8 MR. MITCHELL: And I object, but

9 you can answer.

10 A. It's coordinated for the IT
11 section. As far as a decision not to run,
12 a recommended software update, I'm not
13 aware of any discussion where we decided
14 not to incorporate a recommended update.

15 Q. Is there any action that's
16 required to be taken before an update is
17 run?

18 A. We have to coordinate with our
19 IT section.

20 Q. What does that mean, though,
21 what do they do?

22 A. We have our technical experts
23 coordinate to make sure it's one that our
24 system can incorporate whatever software
25 amendment is going to take place and ensure

1 A. CRAWFORD

2 that it's done properly.

3 Q. Okay.

4 How about a back-up?

5 A. Our entire computer system is
6 backed up on a daily basis by our IT
7 section.

8 Q. Tell me about the daily
9 back-ups. Are they maintained on hard copy,
10 meaning on an external thumb drive, CD, a
11 network or are they uploaded to a Cloud
12 base system? I'm giving you options.

13 A. Yeah, a microsystem -- this is
14 under [sic] the purview of the IT section.

15 Q. So you're unaware of how your
16 back-ups are maintained of all of the
17 information in the IAPro?

18 A. Yes, I am not familiar with the
19 form of how it's backed up or the
20 procedures are involved.

21 Q. Are you aware that one of the
22 reasons or one of the issues to be explored
23 today was to find out about how information
24 is stored within IA files which would
25 include electronic storage?

1 A. CRAWFORD

2 MR. MITCHELL: And I object to
3 the form. You could answer. Are you
4 asking him is he aware of what your
5 notice said, is that what you're
6 asking?

7 MS. MCCLURE: Was he aware that
8 that was going to be a question that
9 we were going to be asking him?

10 MR. MITCHELL: You could ask him
11 that question. I object to it, and
12 you can answer, but that's not what
13 your notice says, but go ahead,
14 answer the question.

15 A. I mean my understanding of your
16 notice was that am I familiar with how our
17 files are maintained in IAPro, yes.

18 Q. And how are your files are
19 stored, right, so if they're stored in a
20 back-up, that's something we need to know
21 today.

22 MR. MITCHELL: And he's answered
23 they are stored in the back-up.

24 You're now asking how the back-up
25 works and we've already had that

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2 discussion and he's not here as an IT
3 person and, I'm allowing him to
4 answer I don't know, but I could
5 direct him not to answer because it's
6 beyond the scope of the 30B Notice;
7 that being said, I will allow him to
8 answer I don't know if that's what
9 you prefer, but with that in mind, if
10 you want to read back the question,
11 read it back, I will object, but I
12 will allow him to answer and his
13 answer is his answer.

14 MS. MCCLURE: Before you answer,
15 for the record, it is fully within
16 the scope of this notice and the
17 entire purpose that this witness was
18 ordered by The Court to explore how
19 the files are maintained in the
20 office.

21 MR. MITCHELL: And we disagree,
22 that's fine, we have a disagreement.

23 MS. MCCLURE: Mr. Mitchell, I
24 let you put your full objection on
25 the record and I would ask for the

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2 same courtesy.

3 MR. MITCHELL: Sure, go ahead.

4 MS. MCCLURE: Judge Wicks

5 specifically ordered this witness in
6 the context of a discovery dispute
7 that pertains to paper files and the
8 availability of electronic discovery,
9 part and parcel of our discussions
10 during the court proceedings were the
11 availability of electronic discovery;
12 that necessarily goes to back-ups of
13 information and the format and
14 accessibility of those records.

15 In fact, I believe in the
16 deposition notice specifically, and
17 I'm referring to Exhibit 1, I was
18 sure to include knowledge pertaining
19 to recordkeeping, the availability
20 and maintenance of all Internal
21 Affairs files among other things in
22 the Notice, but what that means is
23 availability and maintenance could in
24 fact include electronically stored
25 information.

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2 Q. So going back, my question was,
3 in sum and substance, are you aware of how
4 those back-ups are maintained in your
5 office?

6 MR. MITCHELL: And I object.

7 You can answer.

8 A. I, I can, are you talking about
9 our IT section backing up all of the
10 computers, all the computer storage within
11 the department or are we talking about how
12 we maintain within IAPro?

13 Q. I'm glad you are aware of that
14 distinction, so let's answer both with
15 regard to IAPro. How is the information
16 backed up?

17 A. It's stored in our computers.
18 As far as our IT section, they back up all
19 the computers, all the computer storage
20 within the department. As far as our
21 files, we maintain them in paperwork, we
22 also have them in microfilm.

23 Q. Okay.

24 So if anything were to happen
25 to your computers, you'd be able to

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2 essentially duplicate it the next day
3 because the back-ups would be available; is
4 that right?

5 A. Not only that, we would have
6 the paper files.

7 Q. Of course, understood.

8 A. So, yeah, if anything happened
9 to our computers, we would still have our
10 paper files to use as a reference.

11 Q. Of course many of those paper
12 files that you testified to are uploaded to
13 IAPro directly, is that right?

14 A. Yes, but we still maintain the
15 paper files even if they're digitally
16 stored.

17 Q. And body camera footages is
18 also available to be linked to IAPro, is
19 that right?

20 MR. MITCHELL: I object, but you
21 can answer.

22 A. If the video or audio record
23 has been downloaded to IAPro, yes, it would
24 be stored in IAPro.

25 Q. Tell me about the mechanism

1 A. CRAWFORD

2 that you guys use to download the body cam
3 footage?

4 A. Generally we have our
5 electronic investigation section, we will
6 obtain a copy of the video or audio files
7 and then we will have it on CD-Rom and then
8 the CD-Rom will either be downloaded to
9 IAPro or it will be stored within the case
10 file.

11 Q. Is there a policy and procedure
12 with regard to how often body cam footage
13 is downloaded do IAPro?

14 MR. MITCHELL: Objection. You
15 can answer.

16 A. No, that's based on an
17 investigative need.

18 Q. So it's not done automatically,
19 it's done on an as-needed individual basis?

20 A. Yeah, the body cam program at
21 this point is limited to our, it's called
22 our safety section from Highway Patrol
23 Bureau and it's eight officers assigned to
24 essentially stop DWI and they maintain the
25 body cam video within their command.

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2 Q. So only eight officers, I might
3 have misunderstood, only eight officers in
4 the Suffolk County Police Department have
5 body cam?

6 A. At this point, eight officers
7 and a sergeant, yes.

8 Q. All right.

9 How many officers are there in
10 the Suffolk County Police Department
11 active?

12 A. There are approximately 2,500
13 sworn members.

14 Q. And how about detectives, how
15 many detectives are in the Suffolk County
16 Police Department?

17 A. No, that's sworn members.

18 Q. Sworn members altogether,
19 2,500, and only eight have body cam
20 footage, is that right?

21 MR. MITCHELL: Objection to the
22 form. You can answer.

23 A. At this point, yes, eight
24 officers and a sergeant.

25 Q. And who is in charge of that

1 A. CRAWFORD

2 decision?

3 A. What decision?

4 Q. Who decides which officers get
5 body cam footage capabilities?

6 A. That was a decision made on the
7 highest level of the police commissioner.

8 Q. Police commissioner, all right.

9 Is there any reason why every
10 officer can't have body cam footage?

11 MR. MITCHELL: I object to the
12 form. You can answer.

13 A. We're in the process of, yes,
14 adopting a body cam program for all patrol
15 officers and hopefully that's being rolled
16 out very shortly.

17 Q. Is that for all patrol officers
18 you said or all officers?

19 A. I, as far as the end result, as
20 far as the assignment, that, I don't know
21 at this point, but yes, the program, at
22 this point, is going to involve all patrol
23 officers having body cam cameras.

24 Q. And when is that expected to go
25 into effect?

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2 A. Right now the department is in
3 the procurement process with the vendor and
4 hope to have the program rolled out by the
5 end of this year.

6 Q. And how long has that
7 initiative been in the works, do you know?

8 MR. MITCHELL: I object to the
9 form. You can answer.

10 A. As far as this procurement
11 plan?

12 Q. Yes.

13 A. This has been in effect since
14 the fall of last year.

15 Q. So from the fall of last year
16 until the anticipated start date that you
17 just placed on the record, that's how long
18 it took to create the initiative for the
19 procurement plan and then to deal with
20 vendors in an expected fulfillment, say,
21 within the year, is that right?

22 A. Yes.

23 Q. And is that because the county
24 felt it was important to have video
25 capability available for the integrity of

1 A. CRAWFORD

2 its investigation at all times from all of
3 its officers?

4 MR. MITCHELL: I object to the
5 form. You can answer.

6 A. Yes, it was a decision made by
7 the commissioner, yes, to, for many
8 positive reasons to have the body cam
9 program adopted by the department, on a
10 widespread basis.

11 Q. And was that this current
12 commissioner or the one immediately before
13 it?

14 A. It actually started with Acting
15 Commissioner Stuart Cameron and then
16 Commissioner Harrison has continued with
17 the process.

18 Q. Is there plans within that
19 initiative to have daily download of body
20 cam footage to IAPro?

21 MR. MITCHELL: You can answer.

22 A. No, it's not going to be stored
23 on IAPro.

24 Q. Are you aware that IAPro has
25 the capability to store body cam footage?

1 A. CRAWFORD

2 A. Yes, but it's going to be
3 stored on, the plan right now is Axon is
4 the vendor and Axon is going to maintain
5 the platform on which the storage is to
6 take place.

7 MS. McCLURE: Off the record.

8 (Whereupon, a five-minute break
9 was taken.)

10 MS. McCLURE: All right. We're
11 back on the record. Again, this
12 represents our second break for the
13 day. We're all back in attendance.
14 The witness is back. He is aware
15 that he is still sworn as discussed
16 last time. We will pick back up with
17 questioning.

18 Q. So one thing that I thought of
19 during the break was that I forgot to ask
20 you this with regard to the general
21 directives that are pushed out that amend
22 the guidebook.

23 What is the specific format
24 that they're pushed out in, is it Email?

25 A. Generally any procedures to be

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2 amended in the office, yeah, we send them
3 out by Email.

4 Q. And whose responsibilities is
5 it to send them out?

6 A. Generally I send them out.

7 Sometimes our training officer within the
8 office will update people with directives
9 as well.

10 Q. Okay.

11 And what, if any, system of
12 follow-up do you have to make sure that
13 they are received, acknowledged and
14 understood?

15 A. Well, generally it's the Email
16 is to send to everybody as a reference, but
17 we usually have a meeting within the
18 office, so everybody was working as
19 apprised to whatever policies and
20 procedures are being amended and then, you
21 know, just follow-up with whoever is not
22 working, you know, at a later time.

23 Q. Okay.

24 Is there any formalized
25 procedure whereby almost like attendance or

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2 acknowledgement is tracked or specifically
3 received and maintained?

4 A. I mean it depends on the nature
5 of the procedural amendment or the policy
6 amendment. We do track. If there's a
7 formal measure taken, but I have to remind
8 people of anything, I will just speak to
9 everybody in the office and then follow-up
10 with an Email to everybody.

11 Q. So is it fair to say it's at
12 your discretion as to how follow-up is
13 taken on a directive by directive basis?

14 A. It depends on the nature of the
15 matter.

16 Q. Okay.

17 So tell me about the nature of
18 matter that require more formalized
19 follow-up?

20 A. If we're changing any procedure
21 within the office, then we're going to have
22 our training officer administrate the
23 training. As far as like if I have to
24 remind people of, hey, this has been coming
25 up as an issue and you guys need to

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2

remember to do something, just like a
reminder, I will do it in an informal
matter in the office and then follow it up
an Email.

3

4

Q. All right.

5

6

Is there any system kept within
each person's personnel file to prove that
they received and acknowledged these
additional amendments?

7

8

9

10

A. In the personnel file, no, we
have training records maintained by the
academy.

11

12

13

Q. So your training records for
your employees are maintained separately by
a third party, is that right?

14

15

16

A. Yes.

17

18

19

MR. MITCHELL: I object to the
form. You can answer.

20

21

A. Yes, by the police academy,
yes.

22

23

24

Q. So you do not then use the
system available through IAPro that
maintains training records, is that right?

25

A. No, we don't use that system.

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2 Q. But you're aware that it's part
3 of the IAPro software?

4 A. I have heard of the feature
5 that's available, but no, we don't use
6 that.

7 Q. Whose decision is it to use
8 certain features and not use others in
9 IAPro?

10 MR. MITCHELL: I object, but you
11 can answer.

12 A. It's ultimately the commanding
13 officer.

14 Q. So the commanding officer is
15 the one who, would be fully familiar with
16 the capabilities of IAPro and would decide
17 we're going to use this, we're not going to
18 use that, is that right?

19 A. As far as features that are
20 being used with IAPro?

21 Q. Correct.

22 A. I mean this has been a
23 continual process since the platform was
24 adopted by the office, but as far as the
25 various features on it, no, not all of the

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2 capabilities are used by our office.

3 Q. Okay.

4 A moment ago you mentioned
5 personnel files. Are they separate than
6 the files that are maintained in your
7 office?

8 A. I'm sorry, could you repeat
9 that question?

10 Q. Sure.

11 Does each employee have a
12 personnel file that is separate and apart
13 from an IA file?

14 A. Yes.

15 Q. Are you familiar with what goes
16 in the personnel file?

17 A. Yes.

18 Q. And who's responsible for
19 maintaining those files?

20 A. The personnel office.

21 Q. Okay.

22 Which consists of what?

23 A. Consists of, her title is
24 Administrator Four and there's also an
25 Administrative Three assigned to the office

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1 A. CRAWFORD

2 as well as other staff clerical members.

3 Q. And does the Suffolk County
4 Police Department maintain a personnel file
5 for each and every hire?

6 A. For every employee, yes.

7 Q. Where is the personnel office
8 specifically located?

9 A. Within police headquarters.

10 Q. Which is where?

11 A. 30 Yaphank Avenue in Yaphank.

12 Q. And who has access to those
13 files?

14 A. The personnel assigned to the
15 personnel section.

16 Q. Do supervisory employees have
17 access to their subordinates personnel
18 files?

19 A. No.

20 Q. For example, if a supervisor
21 wanted to make a note with regard to an
22 issue, problem or some corrective action,
23 would it go in the personnel file?

24 MR. MITCHELL: I object to the
25 form. You can answer.

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2 A. Depending on the nature, yes,
3 it would be filed with the personnel file
4 and also with the associated disciplinary
5 file.

6 Q. Okay.

7 Let's say a disciplinary
8 investigation was not triggered for
9 whatever would be the reason, just some
10 kind of corrective action noted by a
11 supervisor of some kind, where would that
12 go?

13 A. Generally that would be
14 documented on the internal correspondence
15 and then it would be filed in the, involved
16 of the employees personnel file.

17 Q. Who is in charge of the
18 policies and procedures with regard to the
19 personnel files?

20 MR. MITCHELL: I object to the
21 form. You can answer.

22 A. Policies and procedures
23 regarding personnel files?

24 Q. Yes.

25 A. Well, we have department

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2 policies that impact upon the maintenance
3 of personnel files and what should be
4 filed, so that's ultimately under the
5 purview of the police commissioner or the
6 chief of department. As far as, are you
7 referring to the day-to-day operation of
8 personnel section?

9 Q. I wasn't, but you could tell me
10 about that now.

11 MR. MITCHELL: No, I'm going to
12 object. He's not here to tell you
13 about personnel section. He's here
14 to tell you about Internal Affairs,
15 and, wait, he hasn't clarified it.
16 Personnel section is separate and
17 apart from the Internal Affairs, it's
18 not part of Internal Affairs, so with
19 that in mind, you know, if you want
20 to ask him another question, ask him
21 another question.

22 MS. MCCLURE: Well, referring to
23 Exhibit 1, Brian, the Notice --

24 MR. MITCHELL: If you want to
25 ask him a question, ask him a

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2 question. I will either direct him
3 to answer or not.

4 MS. MCCLURE: Well, the Notice

5 --

6 MR. MITCHELL: You don't have to
7 tell me about the Notice, I read it
8 five times.

9 MS. MCCLURE: -- okay, well,
10 then clearly all of the Suffolk
11 County Police Department files are
12 subject to inquiry today.

13 MR. MITCHELL: No, they're not,
14 but you can go ahead. You know, the
15 Notice is not asking for all police
16 department files. You're asking, if
17 you note at the beginning of your
18 Notice, it says, it says "Alexander
19 Crawford must be produced for a
20 deposition herein. He should be
21 prepared to testify about his role
22 and knowledge" and then after that is
23 a paragraph.

24 So he's here to testify about
25 his role and knowledge and quite

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2 frankly, I didn't hold him to that
3 way it was written. I'm allowing him
4 to testify to things beyond his role
5 and knowledge, but he's not here to
6 testify about the personnel
7 department. He's here to testify
8 about the Internal Affairs
9 Department, which he's doing and you
10 can take your seven hours and talk to
11 him about it, but as far as, you're
12 now asking him to go into specifics
13 about personnel department, he's not
14 here for that.

15 MS. McCLURE: He's here to be
16 prepared and to testify about his
17 role and knowledge and it's no secret
18 why you stopped at that part in the
19 sentence because it says his role and
20 knowledge of the Suffolk County
21 Police Department and the
22 recordkeeping.

23 MR. MITCHELL: Right. He's not
24 here to testify about, well, first
25 place, I'm going to make a record and

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2 then we will just move on because
3 we're just going to wind up making
4 this record again and again.

5 You create, you submitted a 30B
6 Notice that is deficient. I didn't
7 want to make a big deal out of it, I
8 didn't want to go to Judge Wicks and
9 say that your 30B Notice doesn't
10 comply with the statute because the
11 understanding was that we have
12 someone produced for the purpose of
13 investigating and talking about
14 Internal Affairs, how the files are
15 kept, IAPro, all that stuff. We're
16 on the same page as that.

17 Your general phrase at the
18 very, very beginning that you're now
19 relying on that he be familiar with
20 the Suffolk County Police Department
21 and their recordkeeping is, if you're
22 now arguing that that general phrase
23 means that he's to be here to testify
24 about the entire Suffolk County
25 Police Department recordkeeping, that

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2 is unreasonable. That is not
3 something that your Notice says.
4 Your Notice talks all about IA. He's
5 here to talk about IA, he's here to
6 talk about the way it works, the
7 maintenance of the files, he'll tell
8 you all about that.

9 He's not here to talk about
10 other departments of the police
11 department and he's not here to talk
12 about the entire recordkeeping
13 process of the entire Suffolk County
14 Police Department. That being said,
15 continue with your examination,
16 anything beyond what I just, what
17 your Notice indicates having to do
18 with IA, anything beyond that, I'm
19 going to advise him not to answer.

20 I don't mind him to talk about
21 the personnel department because your
22 questions weren't really, they seem
23 to be reasonable and weren't in
24 depth, but now that you've gotten to
25 this point of asking him let's now

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2 talk about the personnel department,
3 I'm going to direct him not to
4 answer.

5 I know we have a disagreement
6 on that. I'm not trying to convince
7 you. I'm simply putting on the
8 record that that's my position. If
9 you want to put your position on the
10 record, please do. I'm just saying
11 we have a disagreement on it, that's
12 it.

13 MS. MCCLURE: So we can mark
14 that for inquiry or follow-up if we
15 have to.

16 I'm going to go ahead and
17 continue to ask him these questions
18 that I want to ask and if you're
19 going to direct him not to answer as
20 to each one, then Madam Reporter, I
21 would just respectfully mark each
22 question to which there is a response
23 of a direction not to answer.

24 Q. Now, knowing that there are
25 procedures in place whereby a certain

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2 discipline memoranda are filed in the
3 personnel files as opposed to those that
4 rise to the level of being placed in the
5 Internal Affairs files, I do some
6 additional questions.

7 So with regard to the personnel
8 department, does that department conduct
9 reviews of employees or do supervisors
10 conduct reviews of employees?

11 MR. MITCHELL: I object to the
12 form, but you can answer.

13 A. A review in what manner?

14 Q. A review in performance.

15 A. In personnel section?

16 Q. Does any supervisor in the
17 Suffolk County Police Department take
18 reviews regularly of the performance of
19 their subordinates?

20 A. Yes.

21 Q. All of them?

22 A. As long as they have
23 subordinates to supervise, yes, that's part
24 of being a supervisor.

25 Q. Okay.

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2 And the results of that
3 performance review, are they memorialized
4 in writing somewhere?

5 A. It depends on the nature of the
6 review.

7 Q. So there's no requirement that
8 it be written down?

9 A. It depends what type of
10 employee you're, that's at issue.

11 Q. Let's talk about detectives.
12 Do their performance reviews get
13 memorialized in writing?

14 MR. MITCHELL: I object to the
15 form. You can answer.

16 A. Probationary detectives, yes,
17 have reviews by their supervisor. As far
18 as further reviews, yes, the detective
19 supervisor is required to review the
20 performance of each of their subordinate
21 investigators and takes action as
22 warranted.

23 Q. Among those actions that may be
24 warranted, can you explain them for me?

25 MR. MITCHELL: I object to the

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2 form. You can answer.

3 A. If there's any kind of remedial
4 need, the supervisor should document the
5 observed deficiency and document whatever
6 remedial action was taken. If it's of a
7 disciplinary nature, then the supervisor
8 should be taking appropriate disciplinary
9 action.

10 Q. And are those written results
11 stored then in the personnel file?

12 A. It depends if it's a counseling
13 or a training, that would just be
14 documented and placed into the personnel
15 folder; if a disciplinary action was taken,
16 then a copy will be put in the personnel
17 folder, but it then will be a disciplinary
18 file regarding a disciplinary action and
19 that would be filed in Internal Affairs
20 Bureau.

21 Q. Okay.

22 Are disciplinary files
23 different than Internal Affairs files in
24 general, is that a special kind of file?

25 MR. MITCHELL: I object. You

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2 can answer.

3 A. Disciplinary files, I'm
4 referring to some kind of investigation or
5 some kind of observed infraction and
6 documentation regarding resulting
7 disciplinary action, yes, that would be
8 filed within IAB.

9 Q. Are all corrective actions that
10 end up in personnel files forwarded in some
11 way to Internal Affairs to determine if
12 further action is needed?

13 MR. MITCHELL: I object to the
14 form. You can answer.

15 A. If a matter was simply a matter
16 of counseling, in other words a supervisor
17 provided training or what we call
18 counseling to a subordinate member, then
19 that would be documented on internal
20 correspondence and, no, ordinarily that
21 would not be filed in IAB unless it
22 resulted from some type of disciplinary
23 type of investigation.

24 Q. And is there protocol with
25 regard to these disciplinary measures that

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2 supervisors may take of their direct
3 subordinates and protocol about how to
4 memorialize it and file it, et cetera?

5 A. Yes.

6 Q. Within that protocol, is there
7 any internal trigger for your office to
8 audit personnel files at all?

9 A. To audit personnel files, no.
10 We don't have any procedures with Internal
11 Affairs Bureau to audit personnel files.

12 Q. Okay.

13 Is there any type of reporting
14 or copy of any type of corrective action
15 memo that goes in a personnel file sent
16 anywhere else except for personnel?

17 MR. MITCHELL: I'm going to
18 object. You can answer.

19 A. It depends on the nature of the
20 issue. It could be filed within the
21 command, it could be filed in addition to
22 just being in the personnel folder, it
23 could be, I mean for, for example, if you
24 had an employee who was involved in a
25 police vehicle motor vehicle accident and

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2 there was some kind of remedial training
3 offered or conducted with the involved
4 member, that would just ordinarily be
5 documented as counseling.

6 However, given another example,
7 if Internal Affairs Bureau conducted a
8 disciplinary action based on a complaint or
9 referral and there was some kind of
10 training need detected pursuant to the
11 investigation, then a referral would be
12 made to the command to effective
13 recommended training and then the, in that
14 case, then the counseling would be
15 documented in the Internal Affairs Bureau
16 file as well.

17 Q. Okay.

18 So absent that referral, is
19 there any other internal trigger for IA to
20 take a look at personnel files, absent or
21 referral?

22 A. If you could clarify what you
23 mean by taking a look at personnel files?

24 Q. Is there any reason for, under
25 the current policies, for anyone in IA to

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2 keep abreast of what is in the internal,
3 pardon me, of what is in the personnel
4 files?

5 MR. MITCHELL: I object. You
6 can answer.

7 A. What do you mean by what's in
8 the personnel file? Like, did, I, do you
9 mean by that that Internal Affairs Bureau
10 will go down to personnel section and
11 review what's indicated in somebody's
12 personnel file?

13 Q. Yes.

14 A. Yes, that could occur if, as
15 part of an IAB investigation, if there was
16 a need to delve into any records that are
17 maintained within somebody's personnel
18 file, yes.

19 Q. Does it happen as a part of any
20 procedural audit that you do of performance
21 reviews or any other memoranda that may be
22 in personnel files?

23 MR. MITCHELL: I object, but you
24 can answer.

25 A. I need clarification. You're

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2 talking about personnel files and I'm --

3 Q. Does Internal Affairs Bureau
4 maintain any policy whereby it occasionally
5 reviews the notes and more memoranda in
6 personnel files to see whether there was or
7 any issues noted by any supervisors?

8 A. Yes.

9 MR. MITCHELL: I object. You
10 can answer.

11 A. Yes, depending on the
12 circumstances, yes, there might be
13 pertinent information to an IAB
14 investigation.

15 Q. Respectfully what I'm asking
16 you is not whether it could happen or
17 perhaps it does, I'm asking you is there
18 any policy or procedure whereby IAB is
19 required to stay abreast of the information
20 placed in personnel files?

21 MR. MITCHELL: And I object, but
22 you can answer.

23 A. No, as far as what's documented
24 within somebody's personnel file?

25 Q. Yes.

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2 A. Unless it pertains to some
3 disciplinary issue, no, IAB would not get a
4 notification.

5 Q. When you say disciplinary
6 issues, do you mean a specific referral to
7 IAB that an investigation is needed?

8 A. No, it could be a disciplinary
9 issue that was investigated on the command
10 level by an involved supervisor.

11 Q. Okay.

12 So let's say an involved
13 supervisor has had to make some kind of
14 counseling, perhaps on more than one
15 occasion, is there any requirement that IAB
16 be notified of that or is that
17 discretionary upon the supervisor?

18 MR. MITCHELL: I object. You
19 can answer.

20 A. If it's a disciplinary issue,
21 then yes, the IAB has to be notified a copy
22 of the correspondence would be forwarded to
23 IAB.

24 Q. Are there clearly defined
25 issues that are considered disciplinary

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2 issues?

3 A. It depends on the
4 circumstances, if --

5 Q. Well, what I'm asking is, is
6 there a list clearly defining circumstances
7 as disciplinary issues that require a
8 referral?

9 A. Within the policy manual that
10 there's policy regarding standards of
11 conduct, but generally with counseling,
12 that's considered essentially a training
13 issue, so that if supervisor detects that
14 somebody is not performing their job
15 functions properly, but it's not a matter
16 of misconduct, it's just a matter of
17 training or advising the subordinate, then
18 it would just be documented as counseling
19 and documented as a training.

20 Q. So there are no clearly defined
21 triggers for supervisors in those
22 circumstances, they have the right to
23 exercise discretion as to whether it's a
24 training issue or whatnot?

25 MR. MITCHELL: And I object, but

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2 you can answer.

3 A. No, there are -- I mean if it's
4 misconduct, then it has to be reported.

5 Q. What I'm asking you is, how
6 does a supervisor know whether or not it's
7 reportable misconduct? Is there a specific
8 list that clearly defines instances that
9 are to be reported to IAB or are they
10 trusted with discretion to some extent?

11 A. All misconduct has to be
12 reported to IAB. Again, as I'm sure you
13 supervise subordinates, I mean just because
14 an employee makes a mistake in job
15 performance you don't automatically take
16 disciplinary action, you train the
17 employee.

18 So it's a training issue, it's
19 a supervisory responsibility to train
20 subordinates and make sure they're doing
21 their jobs properly. If it's misconduct,
22 it has to be reported to IAB.

23 Q. I guess I'm having a hard time
24 understanding the vernacular. So what
25 defines misconduct that needs to be

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2 reported to IAB, is that defined in the
3 manual or no?

4 A. Yes, there are standards of
5 conduct, with respect to conduct of
6 members, but there's always a catchall
7 category conduct on becoming, so again,
8 it's a matter of, if somebody is making a
9 mistake while doing their job
10 responsibilities and a mistake was made in
11 good faith and a supervisor recognizes the
12 mistake and takes appropriate remedial
13 action, it's just a matter of training or
14 providing instruction, then it's not
15 considered a misconduct issue.

16 Q. Okay.

17 A. Where if somebody doesn't
18 intentionally do their job or has a pattern
19 of not doing their job properly, then it
20 would be misconduct.

21 Q. How would a supervisor know
22 whether or not a particular employee has
23 reached a pattern of misconduct, is that
24 clearly defined in policy?

25 MR. MITCHELL: I object. You

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2 can answer.

3 A. To recognize a pattern of
4 misconduct?

5 Q. Sure.

6 How does a supervisor know when
7 it's going beyond the need of training to
8 the point where it should be reported to
9 you, what defines that in the policies and
10 procedures?

11 MR. MITCHELL: I object, but you

12 can answer.

13 A. Again, if somebody has a
14 pattern of not doing their job properly,
15 it's an issue of either incompetence or
16 misconduct and if remedial action such as
17 instruction is not working, then the
18 supervisor should report the issue and it
19 should be an issue of discipline,
20 misconduct or incompetence.

21 Q. So that decision to refer to
22 IAB is trusted to the supervisor whose job
23 it is to train and supervise their
24 employees, is that right?

25 A. If it's an issue of job

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2 performance, yes. I just want to make it
3 manifestly clear when it's an issue of
4 misconduct, it has to be reported to IAB --

5 Q. Sure.

6 A. -- it's not a discretionary
7 issue.

8 Q. Right, because of course,
9 that's very important to distinguish
10 between misconduct and just regular old
11 failure to perform proper duties, right?

12 A. Yes.

13 Q. So then being in agreement with
14 you, I would expect that IA would have
15 clearly defined circumstances if then
16 statements, if your supervisee does X and
17 must reported, if your supervisee does Y,
18 it must be reported. Is there any such
19 lists?

20 A. There is --

21 Q. Okay.

22 THE WITNESS: I'm sorry.

23 MR. MITCHELL: No, I'm sorry, go
24 ahead. I was just going to direct
25 you you can answer.

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2 A. If there's a mandatory
3 reporting requirement like misconduct.

4 Q. All right.

5 Where is that found?

6 A. In the policy manual.

7 Q. Okay.

8 When was the last time that was
9 updated?

10 A. That's policy 10-10. That was
11 updated within the last month or two and it
12 gets continually updated.

13 Q. Would you consider those
14 updates to be of the utmost importance --

15 MR. MITCHELL: I object, but you
16 can answer.

17 A. Yes.

18 Q. Likely to the integrity of the
19 whole department I would think.

20 A. Yes.

21 Q. So what extra measures do you
22 guys do to make sure those specific
23 procedural updates are received,
24 acknowledged and understood by the parties
25 who receive them?

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2 MR. MITCHELL: I object, but you
3 can answer.

4 A. That's administered through the
5 Lexipol, L-E-X-I-P-O-L, platform.

6 Q. Tell me about that. What is
7 that software, what is it?

8 A. It's the department policy
9 manual.

10 Q. So the policy manual is
11 maintained through software?

12 A. Through the department's
13 internet, yes.

14 Q. Through the department's
15 internet, okay.

16 Is Lexipol the name of the
17 software or your internet system?

18 A. It's the name of the software
19 company.

20 Q. Name of the software company,
21 okay.

22 Is there a version that you're
23 currently administering?

24 A. As far as the actual version
25 number, that I'm not aware of.

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2 Q. And who is responsible for
3 administering the Lexipol system?

4 A. Our research and development
5 section.

6 Q. Where does research and
7 development fall in the chain of command?

8 A. It's under the commissioner's
9 office.

10 Q. Who is the head of the research
11 and development section?

12 A. At this point, it's Lieutenant
13 Colleen Cooney, C-O-O-N-E-Y.

14 Q. Is that department always lead
15 by a person in a lieutenant capacity?

16 A. No.

17 Q. What else has it been?

18 A. I served as commanding officer
19 many years ago, I was a sergeant at the
20 time.

21 Q. Okay.

22 And why is it that the policy
23 manual is maintained separately through
24 that system?

25 MR. MITCHELL: I object, you can

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2 answer.

3 A. Through Lexipol?

4 Q. Yes.

5 What is it about Lexipol that
6 makes it useful for that purpose?

7 MR. MITCHELL: I object, but you

8 can answer.

9 A. Actually, I was part of the
10 process with assimilating it into the
11 department. Just ease of use as compared
12 to our prior rules and procedures that we
13 had, our former rules and procedures that
14 we had over 1,600 pages and unfortunately
15 overtime there were amendments where
16 references would be in separate chapters,
17 so it wasn't easy to use, it was a bit
18 unwheely [sic] and the Lexipol product is
19 maintained and updated and for that
20 training aspects to it, that's why the move
21 went from our in-house rules and procedures
22 to the Lexipol version.

23 Q. And when was that system first
24 rolled out in your office?

25 A. Well, it was rolled out for the

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2 department. That went into effect January
3 11th of 2021.

4 Q. Okay.

5 And how about, when you say the
6 department, you're referring to the IA
7 Department, right?

8 A. No, I'm talking about the
9 police department.

10 Q. The police department, okay.

11 So January of 2021, you began
12 using Lexipol, right?

13 A. Yes.

14 Q. So before January of '21, how
15 was the policy manual updated?

16 A. Before January 2021?

17 Q. Yes, before January 2021.

18 A. The rules and procedures would
19 be amended through the issuance of
20 department general orders.

21 Q. And how did the personnel
22 receive those department general orders?

23 A. They would be published on the
24 internet and the individual members of the
25 department would be tasked with clicking on

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2 to confirm receipt of the directive.

3 Q. Okay.

4 Was there a signature required?

5 A. A signature, no.

6 Q. Was there any follow-up done to
7 ensure that any kind of training required
8 by that general directive, was there any
9 follow-up that it was had by an individual
10 person?

11 A. Can you repeat that?

12 Q. Sure.

13 So if a general order required
14 any additional training, was there any
15 system of follow-up to ensure that the
16 employees received it?

17 MR. MITCHELL: And I object, you
18 can answer.

19 A. The information, that would be
20 disseminated and the department general
21 order would be received by the employee;
22 the confirmation would be through
23 electronic delivery through the internet
24 and which would be tracked and supervisors
25 of this subordinates are required to ensure

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2 that the subordinate employees have access
3 the directives and review them.

4 Q. But it was not done through
5 Email, right, it was just done through this
6 internet base acknowledgement?

7 A. Yes.

8 Q. Similar to when you're on a
9 website and it asks you to agree to the
10 terms, something like that?

11 A. Yes.

12 Q. So with a click, they
13 acknowledged receipt and that was it?

14 A. Yes.

15 Q. Was there any requirement that
16 a copy be printed and maintained anywhere
17 and hard copy by each employee?

18 MR. MITCHELL: I object. You
19 can answer.

20 A. For most circumstances, no.

21 Q. Was there any inventory taken
22 to ensure that the certain number of clicks
23 matched up with the certain number of
24 persons who are supposed to do it?

25 A. Yes, there is an auditing

1

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2

capability within the system to confirm
receipt of the directives, yes, supervisors
were tasked to ensure that there were
subordinates have access and received the
directives.

3

Q. Okay.

4

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And who was tasked with the
auditing of each general directive as far
as the computer goes, not the supervisor's
responsibilities that were stated, but who
maintains the computer tracking that you're
talking about?

14

15

MR. MITCHELL: I object, but you
can answer.

16

17

A. It's maintained through the IT
system.

18

Q. Through the IT system, okay.

19

20

21

22

23

And who is in charge of looking
into that IT system to make sure that the
number of acknowledgements and clicks match
the number of employees who needed to
receive that general directive?

24

25

MR. MITCHELL: I object, but you
can answer.

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2 A. It would be the responsibility
3 of the immediate supervisor to check to
4 ensure that the subordinates have received
5 the directive and then there would be a
6 command audit depending on the command; if
7 it was a precinct, then it would be the CO
8 or the XO confirming that all the required
9 directive dissemination occurred and that's
10 actually part of the department's
11 accreditation process.

12 Q. I guess what I'm talking about
13 is on the electronic tracking that you were
14 talking about before. I realize there's an
15 in-person protocol and we will get back to
16 that in a moment, but as far as the
17 computer tracking goes, whose job is it to
18 look at the computer records and say, okay,
19 general directive number ABC was
20 disseminated to 2,500 folks and 2,500 folks
21 clicked the form to acknowledge receiving
22 it. Whose job is it to do the individual
23 audit?

24 MR. MITCHELL: I object, but you
25 can answer.

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2 A. As I explained, the
3 responsibilities of the immediate
4 supervisor would be to ensure that all of
5 the subordinate employees assigned to that
6 supervisor have received a directive and
7 then there would be a command review.

8 Q. We're not seeing eye to eye on
9 this. I know that you are saying that an
10 immediate supervisor --

11 A. I'm unaware of any audit on a
12 higher level other than the command.

13 Q. Are you aware of any audit done
14 on a computer acknowledgement system?

15 MR. MITCHELL: I object. You
16 can answer.

17 A. Other than what I have already
18 explained.

19 Q. Yes.

20 A. No, I'm not aware.

21 Q. Is there anybody else that
22 would be aware of any procedures for
23 Internal Affairs to make sure that the
24 number of electronic clicks send out to the
25 department to all the folks who needed to

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2 receive this general directive matched the
3 number of folks that it was supposed to
4 reach? Are you aware if it's anybody's job
5 in your department?

6 MR. MITCHELL: I object. You
7 can answer. You're asking
8 specifically about Internal Affairs
9 now, am I correct?

10 MS. McCLURE: Yes.

11 MR. MITCHELL: Because I think
12 your answer before was department
13 wise, am I right?

14 THE WITNESS: Yes.

15 A. But the review is done on a
16 command level and I'm not aware of anybody
17 else doing any further review.

18 Q. Okay.

19 A. It's up to the commanding
20 officer to ensure all the subordinate
21 personnel have reviewed all the directives.

22 Q. Okay.

23 So if no one is taking an audit
24 of the computer tracking and, tell me then
25 what follow-up was done with the

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2 supervising officers of the command level
3 folks to ensure that all of their people
4 underneath them received and also
5 understood what was in that general
6 directive update?

7 MR. MITCHELL: I object. You
8 can answer.

9 A. Without having you ask the
10 question again, are you asking is there any
11 further review in addition to the command
12 level review?

13 Q. Right.

14 Does anybody say to the command
15 level, folks, did all your people receive
16 general notice one, two, three; did anyone
17 understand it, is there any follow-up done,
18 that's my question?

19 A. Yes, there is follow-up done.

20 Q. Okay.

21 A. If the review by all
22 subordinate personnel is not completed, so
23 there would have to be documentation as to
24 why the, any particular employees didn't
25 access or received the record.

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2 Q. Okay.

3 A. I guess somebody out on a long
4 term absence or something of that nature,
5 military deployment, then it would be
6 documented.

7 Q. I guess what I'm asking is,
8 does anyone take any action to ensure the
9 command level audit come out appropriately,
10 that everybody has in fact received each
11 general department order?

12 A. Yes, the research and
13 development process with accreditation
14 would ensure that all of the commands that
15 were reviewed, that they received [sic] of
16 all the subordinate personnel.

17 Q. So then it's up to someone in
18 research and development to make sure that
19 every department general order issued by
20 the Lexipol system was received,
21 acknowledged and understood by all of the
22 recipients that it was intended for?

23 A. Yes.

24 Q. And that was with regard to
25 each and every update of the policies that

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2 we're talking about?

3 A. Yes.

4 Q. So does R & D keep some type of
5 record of those audits?

6 A. Yes.

7 MR. MITCHELL: I object. You
8 can answer.

9 A. Yes.

10 Q. And what kind of records do
11 they keep?

12 MR. MITCHELL: I object, you can
13 answer.

14 A. I, are you asking for the scope
15 of records that they maintain in that
16 office?

17 Q. Well, yes, is there a checklist
18 to show or an acknowledgement form?

19 A. It's a computer-generated
20 report from each command showing,
21 confirming receipt of directives and
22 indicating any subordinate personnel that
23 haven't received the directives and there
24 be documentation from the command as to why
25 any particular employee didn't access any

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2 particular directives.

3 Q. Understood.

4 So if someone wanted to find
5 out if a particular employee failed to
6 receive or knowledge a certain directive at
7 any point, they could look back into R &
8 D's records and see whether or not that
9 person properly acknowledged it in a timely
10 fashion?

11 A. Yes.

12 Q. Do supervisors receive any
13 particularized training when department
14 general orders come out as supervisors to
15 make sure they're equipped to answer
16 questions that may come about from?

17 A. That depends on the nature of
18 the information.

19 Q. So not on a, not on a matter of
20 protocol with regard to every general
21 order, it's a matter of the nature of the
22 scope of it?

23 A. Yeah, if there's some kind of
24 significant policy or procedure change,
25 yes, then usually some type of training

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2 would be indicated. Most times if it's just
3 what we consider housekeeping amendment,
4 no, it wouldn't warrant any additional
5 training.

6 Q. Is there any system for
7 communication between the District
8 Attorney's office and your office with
9 regard to general orders that update the
10 policy manual, are they put on notice as
11 well or is it just the police department?

12 MR. MITCHELL: I object, but you
13 can answer.

14 A. The policies and procedures are
15 maintained within the department and unless
16 the DA's office submits a specific request,
17 no, we don't disseminate our directives to
18 the DA's office.

19 Q. Okay.

20 Is there any standardized
21 communication for any of your records in
22 Internalized Affairs with the DA's office,
23 is there anything that automatically
24 triggers communication or is it no, it's a
25 case by case?

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2 A. As far as an automatic, we
3 automatically send copies of all of our
4 investigations, all the investigative
5 reports, they get transmitted to the DA's
6 office. If we discern any information
7 indicating criminal conduct by any of our
8 members, then we notify the DA's office.

9 Q. Who do you send them to within
10 the DA's office?

11 A. You're talking about the IA
12 files that we sent over?

13 Q. Yes.

14 A. They go to the Public Integrity
15 Bureau and right now the Bureau Chief is
16 Kevin Ward.

17 Q. Has that bureau been, how long
18 has that bureau been in existence?

19 A. I think it was in existence
20 when I was assigned an investigator in IAB
21 in 2004. I don't know when the bureau was
22 created.

23 Q. When your office conducts its
24 investigations and issues reports, does it
25 take care to include a review of the

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2 personnel file as well?

3 A. If there's reason to delve into
4 somebody's personnel file, yes.

5 Q. If there's not a specific
6 reason, is it not checked?

7 A. It's not checked as a matter of
8 course if that's you're asking.

9 Q. Yes.

10 So when you send information to
11 the DA's office, you only send what's in
12 the four corners of your IA file, is that
13 right?

14 A. Yes.

15 Q. Does Internal Affairs have any
16 access to any computerized system where
17 personnel files are maintained or are they
18 only on paper?

19 A. The files maintained within the
20 personnel section?

21 Q. Yes.

22 A. No, we don't have access
23 through IA, through our office.

24 Q. Does one need to have special
25 access or clearance, if you will, in order

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2 to access personnel files or no? Does
3 everybody from IA have the right to access
4 those files?

5 MR. MITCHELL: I object to the
6 form. You can answer.

7 A. It's not a matter of right,
8 it's a based on need.

9 Q. Okay.

10 A. Our IA investigators can't just
11 walk down the hallway and access a
12 personnel file without justification.

13 Q. How long are IA files
14 maintained in general?

15 A. Indefinitely.

16 Q. Is there any procedure or
17 protocol about when and if files are purged
18 or discarded?

19 A. We don't purge any files.

20 Q. So they're kept forever?

21 A. Yes.

22 Q. With regard to your IAPro
23 system and the documents that are scanned
24 into it, who determines which documents,
25 are, if any, are scanned into each file?

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2 A. It's going to be what's in the
3 file.

4 Q. Okay.

5 A. They're going to be scanned
6 into, it's not a matter of discretion, oh,
7 this one goes in, this one doesn't. The
8 IAB file gets scanned into an IAPro.

9 Q. As a matter of course, am I
10 understanding correctly that all documents
11 within IA's paper file gets scanned and
12 uploaded to the corresponding IAPro file?

13 A. Yes.

14 Q. So there's no discretion about
15 this handwritten note doesn't go in or that
16 handwritten note doesn't go in, every
17 paper should go into IAPro, is that right?

18 A. Any document that's within the
19 IAPro investigative file is going to be
20 scanned into IAPro.

21 Q. Okay.

22 Does that include any
23 handwritten notes that may be taken?

24 A. If the handwritten notes are
25 added as an attachment to the file, yes.

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2 Q. I guess what I'm trying to
3 figure out is, is there any procedure or
4 protocol whereby it's required that any
5 writing be scanned and uploaded to IAPro?

6 MR. MITCHELL: I object, you can
7 answer.

8 A. Well, what kind of document are
9 you referring to?

10 Q. If a person is making notes on
11 a draft or a report, does that version get
12 scanned in if someone sees fit that draft
13 in the paper folder?

14 A. If it's just a draft and it's
15 been amended, no, that's not scanned in,
16 that's not a final report.

17 Q. So is there a system whereby
18 someone we doubt them or doesn't go in and
19 what does go in to their electronic file?

20 MR. MITCHELL: I'm going to
21 object, but you can answer.

22 A. No, whatever is incorporated in
23 the file, the IAB file, it's scanned and
24 incorporated into the IAPro.

25 Q. Are people permitted to keep

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2 notes that don't go into the file on the
3 desk or elsewhere?

4 A. What kind of notes are you
5 talking about?

6 Q. Notes from any of their
7 thoughts or instructions with regard to any
8 particular report or discipline or any part
9 of the investigation?

10 So if you jot anything down on
11 a piece of paper before you write it in the
12 computer, does that get considered part of
13 the file, too, or no?

14 A. Only if it's submitted by the
15 investigator as a reference or attachment
16 with the file, so if somebody takes a phone
17 message and jots something down, unless it
18 has some pertinence to the case, I wouldn't
19 expect that to be made part of the IAB
20 file.

21 Q. Is that then a matter of
22 discretion as to what someone sees fit to
23 be include in the official file or is it a
24 matter of written of policy that they have
25 the discretion to consider something part

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2 or the file or not?

3 MR. MITCHELL: I object, but you
4 can answer.

5 A. They don't have discretion, but
6 I mean if it's part of the investigation
7 and there's a need to refer to it, it's
8 going to be included as an attachment, so
9 for that example, I have seen phone
10 messages and added as attachments. If it's
11 just, you know, doesn't have pertinence to
12 the case, then okay, the complainant call
13 back the fifth time today, no, we don't
14 save every scrap of paper.

15 If it's a criminal case, then I
16 obviously implications, but as far as the
17 IAB file, it depends on the nature of the
18 notation.

19 Q. Is there any requirement that
20 within IAPro, an investigator keep track of
21 work performed on the investigations?

22 A. Case?

23 Q. Yes.

24 A. Yes.

25 Q. Can you tell me about

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2 requirements of data?

3 A. We instruct our investigators
4 to make prompt and diligent case note
5 entries regarding the actions that they
6 have taken regarding their investigations.

7 Q. What is the purpose of that?

8 A. It's to memorialize whatever
9 action are taken by the investigator.

10 Q. And how about when it comes to
11 intake, is there a requirement that someone
12 sufficiently summarized the nature of the
13 claim within the IAPRO in a summary section
14 or note section?

15 A. When doing complaint intake?

16 Q. Yes.

17 A. Yes, they're supposed to input
18 a summary of the complaint.

19 Q. And what is the purpose of
20 that?

21 A. It's to obtain sufficient
22 information to commence an investigation.

23 Q. Okay.

24 So would you agree that all
25 material facts about the allegation should

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2 go in there?

3 A. Yes.

4 Q. Because that's going to be what
5 commences your investigation, is that
6 right?

7 A. Well, the investigation is
8 going to go be commenced no matter whatever
9 information is indicated, but yes, the more
10 material information you can obtain, the
11 better, but we've had investigations
12 commenced based on the vagueness of
13 details, like, for example, a cop harassed
14 me and it was four years ago and, you know,
15 obviously that's the barest of information,
16 but we commenced investigations based on
17 that.

18 Q. As far as the summary goes
19 where you indicated that all material facts
20 should go in there, is that updated as the
21 case goes on to include a more robust
22 summary of what the heck is going on in
23 this case?

24 MR. MITCHELL: I object, but you
25 can answer.

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2 A. No. Once the complaint intake
3 is completed, generally, no, there's no
4 amendments to that document.

5 Q. So let's say a complaint came
6 in with ten allegations, would all ten be
7 summarized as it was received in that
8 summary portion of the IAPRO?

9 A. Yes.

10 Q. And that's a matter of standard
11 operating procedure?

12 A. Yes.

13 Q. And everybody is trained in
14 that procedure?

15 A. Yes.

16 Q. Is there any auditing system to
17 ensure that the way cases are opened in
18 IAPRO are done fully and appropriately per
19 procedure?

20 A. I'm sorry, auditing or you mean
21 a review process?

22 Q. A review process.

23 A. Yes.

24 Q. Can you tell me about that?

25 A. When IAB investigations

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2 completed by the investigator, it gets
3 submitted to the captain by that particular
4 team, it gets conveyed to me for my review
5 and commanding officer for her review and
6 then we will then be reviewed by the deputy
7 commissioner.

8 Q. And going all the way back to
9 the intake procedure, is there any review
10 process done to make sure new cases are
11 properly opened within the system?

12 A. Yes.

13 Q. Okay.

14 Can you tell me about that
15 review procedure, is that part of an SOP
16 for Internal Affairs?

17 MR. MITCHELL: I object, but you
18 can answer.

19 A. Yes.

20 Q. And who is in charge of making
21 sure the files are opened up fully and
22 appropriately?

23 A. The commanding officer and also
24 myself.

25 Q. Okay.

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2 And that's part of routine

3 duties would you say?

4 A. Yes.

5 Q. Would you say that it's
6 required that every file newly opened in
7 IAPro is required to undergo a review to
8 make sure that all of the data entries and
9 summary is full and accurate and complete?

10 A. Yes.

11 Q. When a file is opened in IAPro,
12 what content goes in meaning specifically
13 in addition to the allegations, is it
14 linked to employees, suspects, can you tell
15 me what else goes into the opening of a
16 file?

17 A. If a specific employee can be
18 identified as being involved in the matter,
19 then yes, the employee would be named. If
20 that information gets developed pursuant to
21 an investigation, then it will be done at a
22 later time, but as far as the complaint
23 intake, I mean like I said, sometimes we
24 get written complaints that are so vague
25 that you can't even really formulate, you

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2 know, an allegation misconduct or a time,
3 date, location or an involved officer, but
4 we commence an investigation and we try to
5 get as much information as we can.

6 Q. So in cases like that, you say
7 you do your best to summarize what you
8 believe the case is about to justify the
9 facts that you then take to investigating
10 it?

11 A. When we get the complaint, we
12 work with whatever information we can get.
13 I mean if we can get a written complaint
14 report and it just has the barest of
15 information, we will commence an
16 investigation and then work from there.

17 I mean we will try to get
18 additional information from the
19 complainant. Sometimes the complainant
20 don't cooperate.

21 Q. Right.

22 If it comes to be that initial
23 persons are identified through the
24 investigatory process, are they added to
25 the IA profile subsequently?

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2 A. Yes.

3 Q. Is there any effort during an
4 investigation process to search for
5 commonalities in light kind situations,
6 common personnel, common incidents?

7 A. Yes.

8 Q. And is it the case that
9 sometimes folks are employees are seen to
10 have been acting in concert with other
11 employees regularly, perhaps a partner?

12 MR. MITCHELL: I object, but you
13 can answer.

14 A. You mean working with somebody?

15 Q. Yes, right.

16 A. Yes.

17 Q. Is that person as a matter of
18 routine added to the investigation to see
19 whether they're a witness or whether
20 they're also involved in wrongdoing?

21 A. Yes. All members that were
22 working at the time of occurrence, anybody
23 who was present could be at the very least
24 an involved party or a witness, so yes,
25 they're going to be what we call linked

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2 into the investigation.

3 Q. Is that a matter of standard
4 procedure linking all parties that have may
5 have been involved in one way or the other?

6 A. Yes.

7 Q. As far as how IA files are
8 developed, who is in charge of the
9 procedures that are taken?

10 A. Could you repeat that, please?

11 Q. Sure.

12 As far as the procedure and the
13 investigative measures that are taken, who
14 is in charge of those standard operations
15 in your office?

16 MR. MITCHELL: I object, but you
17 can answer.

18 A. Commanding officer.

19 Q. And is there any type of system
20 of standardized measures that are taken in
21 every case and then developed further on an
22 as-needed basis as investigators fit? Is
23 there any common system, checklist of
24 things?

25 A. An investigative checklist?

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2 Q. Yes.

3 A. Yes.

4 Q. Can you tell me what is on that
5 investigative checklist?

6 A. Just a list of usual
7 investigative measures to be considered by
8 the investigator.

9 Q. Where is that checklist found?

10 A. That's in the guidebook.

11 Q. When was the last time that
12 checklist was investigated?

13 A. Not recently. I couldn't tell
14 you exactly when it was last amended.

15 Q. Can you estimate for me perhaps
16 whether in your career since --

17 A. Probably about two or three
18 years ago.

19 Q. Two or three years ago, okay.

20 When an IA file is created and
21 the summary is written, is there any
22 attempt at that point to categorize the
23 complaint into any system of
24 categorization?

25 A. Yes.

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2 Q. Can you tell me about that
3 system?

4 A. It's a drop down menu and any
5 IAPro that's available through the blue
6 team entry and the allegations of
7 misconduct are to be categorized and
8 entered, you know, just using that drop
9 down menu and linked to the particular
10 officer.

11 Q. That's down in addition to
12 linking the employees and then narrative
13 summary we talked about before?

14 A. Well, it would be all part of
15 the same report, but yes.

16 Q. Okay.

17 A. Summary would be a narrative of
18 the allegation, material information and
19 then the involved officer would be added or
20 what we call linked and then any
21 allegations of misconduct attributed to
22 that particular officer would be
23 categorized and linked as well.

24 Q. And as far as those categories
25 are as it stands right now today, how many

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2 categories are on that drop down menu?

3 A. Thirty-seven.

4 Q. And how long have there been 37
5 categories?

6 A. There have been -- let's see,
7 it was probably last amended seven years
8 ago.

9 Q. And as of that point seven
10 years ago, do you mean, do you know how
11 many categories existed at that time?

12 A. No, I don't.

13 Q. Okay. Let's see.

14 So prior to seven years ago,
15 how would one find out how many categories
16 there were at that time?

17 A. We would have a, would have
18 documentation maintained in the office.

19 Q. Okay.

20 Where?

21 A. It would be maintained within
22 IAB.

23 Q. Well, I mean in a file with
24 regard to legacyed --

25 A. Yeah.

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2 Q. -- procedures? Okay.

3 And if someone wanted to
4 request that file, what would they call it?

5 A. They would call it a list of
6 categorized allegations and misconduct.

7 Q. And do you know how many times
8 that list has changed since, say, the year
9 2000?

10 A. Well, the system was put into
11 effect around 2005. Prior to that, no, I
12 wouldn't, I mean that's, that list has been
13 essentially standard. I'm only aware of
14 recent change, like I said, within the last
15 seven years where we had advised policing
16 and that was pursuant to a DOJ agreement.

17 Q. And this list of 37, you're
18 aware that it's customized, correct?

19 A. Yes.

20 Q. And who is it that customized
21 these 37 categories?

22 A. It was done by Deputy Chief
23 Nicholas Mango back when this system, when
24 IAPro was incorporated into the office.

25 Q. And what is the general purpose

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2 of this generalization?

3 A. That was the feature that was
4 available through IAPro to categorize
5 allegations and misconduct and have them
6 attributed to the involved members.

7 Q. Do you know whether or not any
8 of the suggested categories that come with
9 the software were not used or deleted?

10 A. When the system was first put
11 into effect, not that I'm aware.

12 Q. Or, currently, because current
13 versions have current suggestions. Are you
14 aware of whether or not anyone has been
15 looking at them to see if they should be
16 adopted or not?

17 A. So, well, the system has worked
18 for us, so we've maintained it as it is.

19 Q. Have you found that this system
20 of 37 incorporates all possible categories
21 that patrol and investigatory personnel
22 might encounter?

23 MR. MITCHELL: And I note my
24 objection. You can answer.

25 A. In my experience, we didn't

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2 feel the need to add any additional one.

3 Q. Looking at this list of 37, I
4 don't see any categories specific to those,
5 to the investigator. This looks like it
6 mainly pertains to patrol issues. Is that
7 because it's often parole folks that are
8 patrol folks that are dealing with the
9 public and perhaps may fall into these
10 categories more readily than investigatory
11 personnel?

12 MR. MITCHELL: And I object, but
13 you can answer.

14 A. No, investigations are part of
15 everyone's job including patrol members.

16 Q. So patrol members, detectives
17 don't receive any specialized training or
18 they don't have any specialized rules that
19 they're supposed to follow when
20 investigating crimes that wouldn't
21 necessarily be reflected on here?

22 MR. MITCHELL: And I object.

23 You can answer.

24 A. I'm sorry, can you repeat the
25 question?

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2 Q. Sure.

3 It seems to me that these
4 categories apply mainly to patrol officers.
5 Are you able to account for all detectives
6 specialized trained and rules within these
7 37 categories?

8 MR. MITCHELL: And I object, but
9 you can answer.

10 A. Yes, we have been using these
11 categories of allegations and we haven't
12 determined the need to add any or amend
13 them.

14 Q. Okay.

15 So, for example, in the
16 instance of someone who's accused of
17 fabricating evidence, what category would
18 that go into?

19 A. Well, fabricating evidence
20 would generally be considered conduct
21 unbecoming.

22 Q. Unbecoming you said?

23 A. Yes, or it could be considered
24 improper performance as well.

25 Q. So I don't see improper

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2 performance on here. Is there another one
3 that it would be --

4 A. I'm sorry.

5 Q. That's okay.

6 A. There's improper police act,
7 action and for something like that, that
8 would be, if we got a referral from the
9 DA's office, it would be most likely
10 categorized as conduct unbecoming.

11 Q. Conduct unbecoming, okay.

12 So falsifying evidence would
13 fall under conduct unbecoming, is that
14 right, is that your testimony?

15 A. It can.

16 Q. It can?

17 A. Yes.

18 Q. Can we agree that perhaps it's
19 not clearly defined?

20 A. Yes.

21 Q. Okay.

22 How about, I mean is this the
23 first time that you have considered that
24 issue as it's never come up before in
25 categorizing?

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2 A. Allegations of fabricated
3 evidence, it comes up, yeah, it does come
4 up.

5 Q. Okay.

6 So you just wing it when trying
7 to figure out what category to put it into?

8 MR. MITCHELL: I object, but you
9 can answer it.

10 A. We put it in --

11 Q. Something?

12 A. Yes.

13 Q. And something that perhaps
14 makes sense, you know, within, we can agree
15 that it could fall into a couple of these?

16 A. Yes.

17 Q. So if one wanted to find
18 specific files about falsifying evidence,
19 it really wouldn't be a clear category to
20 look in, you really have to look in one of
21 them?

22 A. One, yes.

23 Q. And this is an issue that's
24 come up before and you have worked within
25 these 37?

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2 MR. MITCHELL: I object to the

3 form, but you can answer.

4 A. What issue has come up before?

5 Q. I mean complaints regarding

6 fabrications of evidence that have come up
7 before, right?

8 A. Yes.

9 Q. One time or more than one time?

10 A. More than one.

11 Q. Okay.

12 And in the contention of
13 categorizing them, the SOP is just defined,
14 put it somewhere?

15 A. Yes.

16 Q. Who is in charge of making
17 perhaps referrals to update and amend these
18 categories?

19 A. Anybody can make a referral or
20 a recommendation.

21 Q. Are you aware of whether or not
22 anyone has made a referral or
23 recommendation?

24 A. I'm not aware of any, no.

25 Q. Who would be aware of that?

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2 MR. MITCHELL: I object, but you

3 can answer.

4 A. If there were any
5 recommendations, I would be aware of it.

6 Q. Why haven't you ever made that
7 recommendation?

8 MR. MITCHELL: And I object, but
9 you can answer.

10 A. Because we haven't had a need
11 for it.

12 Q. Meaning you're satisfied to
13 just categorize it in any of these that are
14 close enough?

15 A. Yes, as long as it's thoroughly
16 investigated. It's difficult to categorize
17 every allegation of police misconduct.
18 It's such a wide ranging spectrum that we
19 use the categorizations that are available
20 and then we specifically address the
21 allegations in the summary.

22 Q. In the summary, okay.

23 And is that because through the
24 summary, you're aware that if you need to
25 find the files for a specific type of thing

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2 that's not in a category of its own, that
3 you could do a quierum and pull up all the
4 information and with all of the information
5 that have certain key words within the
6 summary?

7 MR. MITCHELL: And I object, but
8 you can answer.

9 A. That search can't be limited to
10 the summary and the blue team entry because
11 there may have been information that was
12 developed pursuant to the investigation.

13 Q. Sure.

14 But you're aware that you can
15 do a key word query that would pick up
16 words in the summary?

17 A. In the summary, yes.

18 Q. So, for example, you had a case
19 that clearly alleged falsification of
20 evidence. Your staff is trained to
21 specifically include the allegation in the
22 summary that way you could pull it up later
23 if you wanted to using a key word search;
24 is that correct?

25 MR. MITCHELL: I object to form.

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2 You can answer.

3 A. You could. You wouldn't be
4 able to limit your key word search to just
5 falsified. You'd have to use fabricated,
6 you'd have to use the word planted.
7 Unfortunately there are many words in the
8 English language that could be used to
9 describe the misconduct under those
10 circumstances.

11 Q. Sure.

12 And you'd have to do that
13 because there's not a specific category
14 that's made for it?

15 A. Yes.

16 Q. How about perjury in court, for
17 example, where does that go in here?

18 A. Perjury would usually result
19 from referral from the DA's office and
20 again that would most likely be categorized
21 as unbecoming.

22 Q. Anything else, any other
23 category?

24 A. It couldn't fit under improper
25 police act, it could -- I guess it's

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2 possible it could be failed to perform, but
3 most likely would be categorized as conduct
4 unbecoming.

5 Q. Does the public and complaints,
6 do they often come in accusing police
7 officers and employees of lying in one form
8 or another?

9 A. Yes.

10 Q. And you would say multiple
11 complaints probably make that allegation I
12 would imagine, right?

13 A. Yes.

14 Q. But I don't, I mean I see a
15 false statement, but I don't see anything
16 in particular about court. Is that because
17 people never claim cops lie in court?

18 MR. MITCHELL: I object to the
19 form. You can answer.

20 A. As you know, perjury would be
21 limited to a written submission or
22 testimony under oath. Some people assert
23 that officers lie when they, when talking
24 to somebody or, you know, when conveying
25 information in other circumstances, so it

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2 would be difficult to use perjury as a
3 classification. False statement, that's
4 generally used when somebody conveys a
5 false statement either to SPEAR [sic] an
6 officer to Internal Affairs, so yes,
7 unfortunately we don't have, you know, 100
8 specific allegations to categorize many
9 more aspects of allegations and misconduct.

10 Q. Is that because the software
11 doesn't accommodate 100 categorizations or
12 just no one has taken the initiative to
13 expand?

14 A. We haven't --

15 MR. MITCHELL: Sorry, I object
16 to form. You can answer.

17 A. -- no, we have all the
18 information captured in the system.
19 Generally when not using it for research
20 or, you know, to check files. Yes, it
21 would be easier, I just search his IPad to
22 do. I mean you have to go through each
23 case, definitely would make things easier
24 if we had another tool available, but no
25 matter what, you'd have to, I couldn't

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2 certify that a review of our records was
3 exhaustive unless I could check every
4 possible permutation or category.

5 Q. Is that because you wouldn't
6 trust the query that captures --

7 A. Yes.

8 Q. -- your staff those in the
9 summary?

10 A. I couldn't just say I'm just
11 going to search this particular allegation
12 and misconduct and say with any certainty
13 that that could be the only way that it was
14 categorized.

15 Q. Sure.

16 But if you did want to find
17 files that contain perjured statements or
18 fabricated allegations, you could easily
19 start with a query and it would see what's
20 in there as far as what complaints or files
21 are linked to that keyboard?

22 A. Yes.

23 MS. MCCLURE: Off the record.

24 (Whereupon, a 15-minute break
25 was taken.)

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2 MS. MCCLURE: We're back on the
3 record. The witness is still sworn.
4 Everyone is back present from our
5 break. All right.

6 Q. Going back to the Internal
7 Affairs Department, do you guys do annual
8 reporting of any kind?

9 A. We do annual reporting and we
10 do quarterly reporting.

11 Q. And who do those reports go to?

12 A. The quarterly reports go to the
13 Suffolk County Legislature and the annual
14 reporting goes to the Department of
15 Justice.

16 Q. Okay.

17 And what information is a
18 general overview goes into each of those
19 reports respectively?

20 A. The legislative report will on
21 a quarterly basis report the number of
22 cases or complaints that have been
23 received, how many cases have been
24 completed. We will also indicate a summary
25 of the length of each investigation that

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2 are still pending. It will also summarize
3 disciplinary action that have been taken by
4 the department and we will provide
5 statistics regarding the complaints and the
6 categorization of allegation.

7 Q. Okay.

8 Is that categorization done
9 based on these 37 categories?

10 A. Yes.

11 Q. So if there were multiple
12 incidents of, say, fabrication of evidence
13 per se, that would not be reflected in your
14 category analysis of your report, right?

15 A. Not specifically, no.

16 Q. And is it fair to say that
17 anymore specific type of incident whether
18 or not it's repeatedly investigated by your
19 office, if it's not part of those 37
20 categories, it's not going to be included
21 in that categorical breakdown?

22 A. I'm sorry, could you ask that
23 question again?

24 Q. Sure.

25 So let's say you have a

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2 particular type of incident like perjury
3 that is seen with some regularity, but
4 there's not a particular category for it,
5 is it correct that that will not reflect as
6 something investigated in the categories
7 that are put in your annual reporting?

8 MR. MITCHELL: I object, but you

9 can answer.

10 A. As indicated in the specific
11 category, no.

12 Q. So it's limited then to these
13 specific 37 and nothing more?

14 A. Yes.

15 Q. Okay.

16 With regard to these annual
17 reports that go to, is it that for the
18 quarterly reporting and annually reporting?
19 Are they broken down by category of these
20 37 as far as reporting categorically that
21 goes into them?

22 A. Yes.

23 Q. Is there any narrative
24 recitation of important matters or major
25 discipline that goes further into material

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2 facts than just the categories in those
3 reports?

4 A. As far as a disciplinary action
5 that was taken?

6 Q. Yes.

7 A. No, it would be just a brief
8 description of the actual disciplinary
9 action that was taken, so say a suspension
10 without pay, loss of accruals, termination,
11 et cetera.

12 Q. Okay.

13 After cases are closed in your
14 office, if additional parties or
15 information is made known to your office,
16 what is the procedure for re-opening a
17 file, do you re-open a file --

18 A. Yes.

19 Q. -- or is there a determination
20 to be made? Can you explain the procedure
21 to me?

22 A. If information it receives of a
23 referral or an additional complaint and
24 it's regarding an incident that was already
25 investigated, then that file would be

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2

reopened and whatever investigative action
that were taken at that point would be
documented.

5

Q. Let me ask you this.

6

What, if any, internal triggers
are there to perform an IA investigation?

8

MR. MITCHELL: I object, but you
can answer.

10

11

A. You just want me to limit it to
internal triggers?

12

13

Q. Yes, so absent a complaint or a
referral, are there any internal triggers
to start an investigation?

15

16

A. For it to be internal, it would
be an internal referral from the, whether
it be direction from a police commissioner
or it would be a report from an employee,
is that what you're referring to?

20

Q. That's what I'm getting at.

21

A. Okay.

22

23

Q. Are there any other internal
triggers or just those referrals from
employees?

25

A. To commence an investigation?

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2 Q. Yes.

3 A. It either would have to be, we
4 would have to have some kind of referral of
5 information where it would be something
6 that be discerned internally somehow that
7 would warrant commencing an investigation.

8 Q. When you say discerned
9 internally somehow, I'm taking that to mean
10 there's no particular policy regarding
11 conditions that would warrant an internal
12 audit automatically, is that fair to say?

13 MR. MITCHELL: I object, but you
14 can answer.

15 A. Well, you're referring to
16 investigations?

17 Q. Right.

18 A. Okay.

19 For there to be an
20 investigation commenced, we would have to
21 have some information indicating that there
22 was a misconduct by a member of the
23 department. So if you're limiting it to an
24 internal referral, it would be either from
25 you know, supervisor, another employee,

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2 something that was, let's just say, as a
3 hypothetical, a supervisor checks the
4 Facebook page of another employee and
5 discovers something inappropriate policy,
6 you know, there would be referral to IAB.

7 Q. Is there any procedure or staff
8 member whose job it is to continuously
9 monitor employees and conditions to
10 determine whether an investigation should
11 be opened?

12 MR. MITCHELL: I object, but you
13 can answer.

14 A. I'm sorry, can you ask the
15 question one more time, please?

16 Q. Sure.

17 Is there any procedure or
18 employee whose job it is to continuously
19 monitor any certain conditions or employees
20 in general for conditions that would
21 trigger an Internal Affairs investigation?

22 A. Well, as far as monitoring,
23 yes. Does it automatically trigger an
24 Internal Affairs investigation, no. Does
25 continually monitoring --

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2 Q. Okay.

3 A. -- of conditions or information
4 or patterns regarding conduct of our
5 members --

6 Q. Okay.

7 A. -- but it doesn't automatically
8 warrant the commencement of an Internal
9 Affairs investigation.

10 Q. And is that a matter of
11 protocol or is that a matter of generalized
12 orders of your department to be cognizant
13 of what its employees are doing?

14 A. Both.

15 Q. Can you tell me what the policy
16 is regarding any proactive investigation
17 that you guys take that is not reactive to
18 a referral or a complaint?

19 MR. MITCHELL: I object, but you
20 can answer.

21 A. Okay. We have departmental
22 monitoring of the employees regarding
23 various aspects of their performance and
24 supervisors are tasked with continually
25 monitoring this information, but again, it

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2 doesn't automatically trigger an Internal
3 Affairs investigation.

4 I mean if the monitoring picks
5 up on some kind of apparent misconduct or
6 suspicion of misconduct, then yes, at that
7 point an investigation will be commenced.

8 Q. Does monitoring occur of all
9 employees?

10 A. Of all sworn members, yes.

11 Q. And does that monitoring
12 pertain to job performance, Email, internet
13 presence, what does that monitoring entail?

14 A. We have an early intervention
15 dashboard that's available to all our
16 supervisors that's pursuant to the IAPro
17 platform. Supervisors are tasked with
18 checking the system to see if there are any
19 indications of possible problems involving
20 those employees regarding complaints,
21 domestic incidents, you know, PD, police
22 involved vehicle accidents, pursuits, use
23 of force, et cetera. Is that what you're
24 referring to with monitoring?

25 Q. I'm getting there.

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2 So is monitoring something that
3 is tasked up, you said supervisors. Are
4 you talking about the direct reports of,
5 you know, people who are supervising
6 employees or are you saying supervisors
7 within the IA Department are tasked with
8 monitoring?

9 A. Both.

10 Q. Both, okay.

11 So supervisors of all kinds
12 have access to IAPro and its early
13 intervention system?

14 A. Yes.

15 Q. And all IA records that are not
16 classified as, I guess, top secret or
17 confidential?

18 A. They're not going to have IAB
19 files.

20 Q. Oh, okay.

21 A. They'll have access to an early
22 intervention dashboards.

23 Q. And what information is
24 available on the early intervention
25 dashboard?

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2 A. They would indicate the number
3 of particular incidents involving each
4 member.

5 Q. The number of incidents
6 pertaining to each member, is that right?

7 A. Yes, yes.

8 Q. Does it describe or in what
9 detail does it describe the incidents
10 themselves?

11 A. Generally the dashboard itself
12 is not going to provide comprehensive
13 information regarding any of the involved
14 incidents.

15 Q. Does it give any information?

16 A. Yes, it will give a description
17 of the involved incidents associated with
18 that officer.

19 Q. And who creates that
20 description?

21 A. That's created through the
22 IAPRO platform.

23 Q. Is it limited to the category
24 one of 37?

25 A. No, it's, it's delineated by

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2 the type of incidents. So, for instance, a
3 complaint, use of force incident, any
4 officers involved in a domestic incident
5 and officers involved with pursuits,
6 vehicle pursuits, police vehicle accidents,
7 so it would have that information available
8 on this dashboard.

9 Q. Would it necessarily be the
10 case that information on that system be
11 associated with one of those types of
12 incidents that you just described?

13 A. Yes.

14 Q. Okay.

15 So in order for, I guess we
16 will call it a notice or an entry to be
17 made on this early intervention system, it
18 would be have to be from a motor vehicle
19 incident, a domestic violence incident or a
20 complaint or there was one other, refresh
21 my memory?

22 A. Okay. That would be, this is
23 information that's maintained in IAPro and
24 it would be associated with each member, so
25 each supervisor is responsible on a monthly

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2 basis to check this early intervention
3 dashboard and check to see if there are any
4 issues with the performance of their
5 subordinates.

6 Q. I'm not understanding how
7 issues with the performance of subordinates
8 is shown on that system.

9 So if it's limited to
10 instances, tell me again those four
11 categories; complaints, pursuits, car
12 accidents and domestic violence, is that
13 right?

14 A. Yes, and police vehicle
15 accidents.

16 Q. And police vehicle accidents,
17 pardon me.

18 So if it's not one of those
19 incidents, is it in that system or no?

20 A. Is what in the system?

21 Q. Well --

22 A. I mean this is the information
23 that's available on --

24 Q. That's available.

25 A. -- early intervention

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2 dashboard.

3 Q. So let's say there was a
4 performance issue that wasn't a complaint,
5 DV incident, a vehicle pursuit or a police
6 vehicle related accident, is it reflected
7 in there?

8 MR. MITCHELL: And forgive me,
9 only because I don't want to like
10 come back later and ask this
11 question, but he also said use of
12 force is one of the categories.

13 MS. MCCLURE: Oh, okay. I
14 appreciate that.

15 Q. So out of those five, if
16 there's a performance related issue that's
17 not from one of those five, is it in that
18 system?

19 A. In a dashboard, no.

20 Q. Okay.

21 How about the monitoring that's
22 associated with IAPro, is that part and
23 parcel of the monitoring that's associated
24 with the monitoring tab on IAPro or is that
25 a separate function of monitoring or

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2 separate software?

3 A. These would be alerts generated
4 through the IAPro system.

5 Q. So the IAPro system monitoring
6 the way that you guys use it, takes
7 information and creates alerts that then
8 appears in these early intervention
9 dashboards --

10 A. No.

11 Q. -- is that correct?

12 A. No.

13 Q. Tell me about the feed of
14 information, what ends up in the early
15 intervention information, where is that
16 information inputted?

17 A. The input is part of the IA
18 Bureau process.

19 Q. So it goes into IAPro, it's
20 associated with an officer when it's made,
21 we established that before?

22 A. Yes.

23 Q. Okay.

24 So then it's issued one of 37
25 categories, we went through that before as

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2 well?

3 A. If it's pertaining to a
4 complaint.

5 Q. Okay.

6 And then at some point is given
7 one of those five categories that we just
8 discussed?

9 A. No, you're confusing --

10 Q. Okay, that's what I need to
11 understand.

12 So at what point is an incident
13 given one of those five categories that
14 show up in the dashboard?

15 A. When it's reported, okay, the
16 use of force reports or are administered
17 throughout the IAPro software, police
18 vehicle accidents. So these reports are
19 generated on the command level when the
20 incident occurs and then when it's inputted
21 into the system, it will be associated with
22 the involved officers and then IAPro will
23 track, you know, each particular incident.

24 Q. So when a new supervisor comes
25 into his duties over a particular team or

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2 set of folks, he is made aware of the fact
3 that he has to check you said monthly
4 before, correct --

5 A. Yes.

6 Q. -- the system for, pardon me,
7 the dashboard let's call it, the monitoring
8 dashboard, okay.

9 And is there any summary that's
10 given to a new supervisor regarding his
11 employees and any history that they may
12 have had that will be reflected in IAPro or
13 is it incumbent upon that person to do the
14 research on who they're supervising and if
15 there any problems?

16 A. It gives them notice regarding
17 potential problems. If he needs any
18 particular information, he is going to have
19 to get that through his or her supervisors.

20 Q. And that notice comes from this
21 early intervention dashboard, correct?

22 A. Yes.

23 Q. Is there any other system of
24 notice that you would be given?

25 A. If the officers involved

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2 incidents made a threshold, then it would
3 be an alert sent to the command, then it
4 would go to the commanding officer who
5 would then refer to the lieutenant in the
6 squad.

7 Q. All right.

8 But it would never be the case
9 that they would go, say, review personnel
10 records to see what prior training or
11 interventions were held by old supervisors?

12 MR. MITCHELL: I object to the
13 form, but you can answer.

14 A. They may. I mean if you have a
15 new supervisor and he wants to learn about
16 his subordinates or if she wants to learn
17 about the subordinates, then they may seek
18 access.

19 Q. But they don't have to?

20 A. No, they don't have to.

21 Q. These alerts that you generated
22 from IAPro, who programs the trigger points
23 for these alerts in IAPro?

24 A. The commanding officer of
25 Internal Affairs Bureau establishes the

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2 thresholds.

3 Q. And is that threshold policy
4 subject to a review or vote or --

5 A. Yes.

6 Q. It is, okay.

7 Can you tell me about that
8 process for agreeing upon the trigger
9 points for an alert?

10 A. If there was a need for a
11 review of the threshold, then at that point
12 it would be discussed. Most recently, one
13 that I can think of, we had to create an
14 alert for the reporting requirements
15 pursuant to Executive Law Section 75.

16 So if any member of the
17 department has five or more complaints
18 within any 24 months, we have to convey a
19 report to the State Attorney General's
20 office.

21 Q. Okay.

22 A. So that was the most recent
23 amendment we made to the system.

24 Q. And who was it that brought
25 that to the attention of the decision maker

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2 with regard to that? Who decided that an
3 intervention needed to be had with regard
4 to that trigger evaluation?

5 A. I did.

6 Q. Okay.

7 And did you do that as part of
8 your duties or did you just surmise that
9 that would be necessary?

10 A. It's part of my duty --

11 MR. MITCHELL: I object, but you
12 could answer.

13 A. -- part of my duties and I was
14 aware of the legislative amendment that
15 went into effect.

16 Q. And what are the trigger points
17 now, are they different for the 37
18 categories or is it one uniform trigger
19 point for an alert?

20 MR. MITCHELL: I object to the
21 form. You can answer.

22 A. Well, the alerts are not
23 limited to complaints, so as far as the
24 thresholds or complaints, it would be three
25 complaints within a year or two complaints

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2 of unprofessional language or attitude.

3 Q. Within what span of time?

4 A. For two, it would be six months
5 and that's -- and other than that, five
6 complaints over any 24-month period, that
7 would trigger a reporting requirement.

8 Q. Is there any manual review such
9 that, let's say, someone has five
10 complaints within 25 months, is that person
11 evaluated or no?

12 A. Depending on the circumstances,
13 yes.

14 Q. Okay.

15 When you say depending on the
16 circumstances, does that mean that there's
17 no rule that requires human oversight of
18 those kinds of the, of the need for an
19 alert of any kind?

20 MR. MITCHELL: I object, but you
21 can answer.

22 A. I'm sorry, could you ask that
23 question again?

24 Q. Sure.

25 The fact that you say depends

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2 on the circumstances, right, whether
3 someone is made the subject of an alert, if
4 he's had, say, five complaints within a
5 24-month period, I'm saying your testimony
6 correctly, right?

7 A. Well, as far as the alerts?

8 Q. Right.

9 A. No, they're limited to the
10 threshold that was established in the
11 IAPRO. I think you were talking about a
12 general review.

13 Q. That's my follow-up question.

14 A. Okay.

15 Q. Is there some sort of human
16 review of the alert system to say, well,
17 this person has had 25 complaints in 25
18 months, perhaps there should be an alert
19 about this guy that perhaps the computer
20 didn't catch?

21 A. Well, I would expect that if he
22 had five in 25 months, then he or she most
23 likely would have triggered one of the
24 other thresholds.

25 Q. Which are what again, tell me?

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2 A. Three complaints over a
3 12-month period or two unprofessional
4 language/attitude complaints over a
5 six-month period.

6 Q. Okay.

7 And there are no other triggers
8 that relate to any other, we will call it
9 conduct unbecoming or any other problem,
10 it's just limited to those five and three,
11 is that right, as you just testified?
12 There's no other trigger programmed in the
13 system?

14 MR. MITCHELL: I object to the
15 form. You can answer.

16 A. Regarding complaints or
17 regarding other thresholds?

18 Q. Is there any other trigger
19 threshold with regard to complaints, let's
20 get that out of the way?

21 A. Regarding complaints at this
22 point, no, it's just those three.

23 Q. Okay.

24 And what human system would
25 exist to cause a trigger or an alert

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2 outside of the computer system for
3 complaints, is there any?

4 A. There would be a review on the
5 command level regarding an officer's
6 performance as far as, you know, looking
7 for patterns, I mean this is what we do
8 when we do complaint intake. I mean we
9 review an officer's history, if there's any
10 type of pattern, then obviously that's a
11 factor that needs to be investigated.

12 Q. So who is responsible again for
13 reviewing the officer's history at
14 complaint intake to determine whether there
15 needs to be a notice or alert sent out?

16 A. Well, the alerts are
17 automatically generated from IAPro, but as
18 far as any other perceived need outside of
19 the threshold triggers, that will be on the
20 case-by-case basis.

21 Q. So am I correct in saying that
22 there are not alerts generated from any
23 other source, but the threshold system
24 programs into that computer?

25 A. Yes.

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2 Q. And what we have just discussed
3 was alerts with regard to complaints only;
4 is that correct?

5 A. Yes.

6 Q. What other alerts are there?

7 A. There are alerts regarding
8 domestics, if an officer is involved in a
9 domestic incident; there are alerts
10 regarding pursuits, officers involved in
11 pursuits; there are alerts regarding
12 officers involved in police vehicle
13 accidents; there are alerts regarding use
14 of force incidents.

15 Q. That seems to correspond
16 exactly to those five categories that would
17 then show up on the dashboard, correct,
18 that's monitored by supervisors?

19 A. Yes.

20 Q. So using those five categories,
21 are the same five categories on which the
22 computer trigger alerts are based, is that
23 right?

24 A. Yes.

25 Q. So is it fair to say then that

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2 if a situation does not fit into one of
3 those five categories, it is not subject to
4 those automatic computerized alerts?

5 A. Yes.

6 Q. If an incident doesn't fit into
7 one of those five categories, is there any
8 system computerized or otherwise designed
9 to automatically trigger an alert if it
10 does not fit into one of those five
11 categories?

12 A. We used to have an overall, any
13 six combination of, six incidents; however,
14 due to the limitations with the system, we
15 had to amend that to address the reporting
16 notification to State Attorney General's
17 office.

18 Q. And how long have you been
19 using this system where you feel the
20 notification system is limited by the
21 fields, by the software?

22 MR. MITCHELL: I object to the
23 form. You can answer.

24 A. Can you ask that question
25 again?

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2 Q. Yes, sure.

3 You just testified that you
4 feel that these five categories are
5 limited, you're use to using something a
6 little different, but that had six, right,
7 am I saying that correctly?

8 A. No. There was another alert
9 that was available on the system where if
10 any combination of the tracked incidents
11 amounted to six occurrences, there would be
12 an alert generated.

13 Q. Okay.

14 A. That we had to amend that and
15 to use that alert for the reporting
16 requirement to the State Attorney General.

17 Q. Okay.

18 So as it stands right now,
19 there are no other provisions for --

20 A. No.

21 Q. -- that would cause an alert?

22 A. No.

23 Q. So when a supervisor takes a
24 supervisory role and is given access to the
25 dashboard that would have all of the

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2 alerts, if the alert is not there, is he
3 under any requirement to do anything
4 further to understand if there's a history
5 or anything he should be looking out for or
6 is that the extent of his requirements?

7 MR. MITCHELL: I object, but you
8 can answer.

9 A. The supervisors are required to
10 do an inquiry into the early intervention
11 system on a monthly basis. As far as any
12 other inquiries, that would be done often
13 on a case-by-case basis with a particular
14 supervisor.

15 Q. And that's discretionary?

16 A. Yes.

17 Q. I'd like to talk about the
18 concise officer history provision of the
19 IAPro. You're familiar with that as well?

20 A. Yes.

21 Q. And how in the course of the
22 administration of your duties do you use
23 that concise officer history?

24 A. That will be used any time
25 we're doing an inquiry regarding an

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2 officer.

3 Q. And what information is
4 available to you when you pull up an
5 officer by name?

6 A. With the concise history?

7 Q. Yes.

8 A. Essentially all information
9 that's available on IAPro.

10 Q. So that would include any
11 information that was inputted as to the
12 summary of the IA profile?

13 A. Whatever summary was entered,
14 it would have, as far as complaints, it
15 would indicate each complaint of the
16 categorization of the allegations of
17 misconduct and the dispositions for each
18 disciplinary action. It would indicate if
19 there was any disciplinary action that was
20 taken against the involved officer, you
21 could also obtain any incidents involving
22 use of force, police vehicle accidents,
23 pursuits, use of force; it would also
24 indicate any alerts that were generated in
25 the course of that officer's career. So

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2 yes, there's a lot of information available
3 in the concise history report.

4 Q. Okay.

5 And all of this information is
6 subject to the back-up that we talked about
7 earlier where, God forbid, something
8 happened to the computer, it would be able
9 to be backed up from some external source?

10 A. Yes, but if, for whatever
11 reason, we lost our computer system and the
12 back-up was in effectual, we would have the
13 paper files as a reference within the
14 office.

15 Q. Understood, okay.

16 So in the concise officer
17 history database then, it transfers
18 information from the narrative summary and
19 inputs it into the concise officer history
20 screen, is that fair to say?

21 A. Yes.

22 Q. So if a user is using the
23 system correctly, someone should be able to
24 look up the concise officer history and
25 have a complete narrative of the materials

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2 in this case, is that right?

3 A. Ideally, yes.

4 Q. Well, ideally in the sense that
5 that is the procedure and protocol that you
6 require, right, that's what it is for, the
7 narrative section, to put the material
8 facts that you testified to before?

9 A. Yes.

10 Q. And those material facts would
11 necessarily then have additional
12 information beyond those 37 categories,
13 correct?

14 A. Ideally, yes.

15 Q. And that's because, I think we
16 have acknowledged here today that there's
17 additional information that doesn't
18 necessarily fit into one of these 37
19 categories that's material to your
20 investigation and the nature of that claim,
21 correct?

22 A. Yes, and also as the
23 investigation progresses, further
24 information will be developed.

25 Q. And when further information is

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2 developed, is it supposed to be further put
3 into that narrative summary?

4 A. Generally it's not, whatever
5 was inputted as the original complaint will
6 remain as the summary and then any
7 information regarding the investigation
8 will be depicted in the investigative
9 reports and attachments.

10 Q. Okay, understood.

11 So in the event someone needs
12 to run a concise officer history, are they
13 able to be run on query [sic] of a
14 department or is it done on a per officer
15 basis?

16 A. Generally the concise history
17 is run on a, based on the officer.

18 Q. Based on the officer, okay.

19 And if you want to run a query
20 based upon a key word, you're aware that
21 you can pull up a key summary of all of the
22 cases that have that key word in it?

23 A. Yep.

24 Q. And is fair to say that you can
25 then with a click, click into those cases

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2 and see the officers that were involved in
3 a particular case and then run their
4 concise history; is that all correct?

5 A. Yes.

6 Q. I don't recall if I asked this
7 before and forgive me if I did, I'm sure
8 counsel will advise me. Are there audit
9 procedures in place to ensure that the
10 category selected and that the narrative at
11 the time of intake is done properly? I
12 don't recall if I asked you that question.

13 A. No.

14 MR. MITCHELL: And I will
15 forgive you if you did, and forgive
16 me because I don't recall if you did,
17 but with that in mind, I object, but
18 you can answer.

19 Q. So is anybody over --

20 A. Yes, as part of the intake
21 process, the commanding officer or the
22 executive officer will review the incoming
23 complaint and then based on the available
24 information ensure that the allegations are
25 categorized as properly as we can properly

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2 categorize them at that point.

3 Q. Okay.

4 And files are uploaded to the
5 individual IAPro system from your files; is
6 that correct? Documents are uploaded to
7 the IA profiles from your IA hard files?

8 A. Yes.

9 Q. And then they become part and
10 parcel from the computerized file?

11 A. Yes.

12 Q. When files are discovered or
13 subject to some disclosure of any kind, do
14 you use the hard file or the computer file
15 for disclosure?

16 A. Unfortunately, the IAPro
17 records are not comprehensive. That's
18 especially when it pertains to any of the
19 files that pre-existed the implementation
20 of the use of the platform.

21 So as a fail [sic] safe, we
22 also have a card catalog filing system to
23 track investigations involved with
24 officers. So for officers with, you know,
25 30 or 40 years of service, we're not going

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2 to rely on the concise history within IAPro
3 and we, unless the officer was hired within
4 the last seven or eight years, we're going
5 to check the card catalog to ensure that
6 all the information is correct.

7 Q. But that's not a procedure
8 required of a supervisor?

9 A. No, that's a procedure limited
10 to production of files in IAB.

11 Q. I'm trying to understand how in
12 the course of discovery when any particular
13 IA file is discovered, how it could have
14 different contents from one person to the
15 next if it's being discovered from your
16 office.

17 So is there some way that you
18 could think of that one person would get
19 different copies of files than another
20 person might receive?

21 MR. MITCHELL: I'm going to
22 object, but you can answer.

23 A. I'm sorry, for a discovery
24 request --

25 Q. Yep.

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2 A. -- are you asking if it's
3 possible that to requests to a particular
4 officer would result in two different
5 productions?

6 Q. Yep.

7 A. I obviously can't say that it
8 can happen, but no, we do a comprehensive
9 check of the available files and ensure
10 that all pertinent files are disclosed.

11 Q. Okay.

12 I'm trying to understand how in
13 this case I had received a copy of the
14 Thomas Moroughan --

15 MR. MITCHELL: Moroughan.

16 Q. -- Moroughan file.

17 I received a copy of the IA
18 file and the documents and my files didn't
19 have the same handwritten notes on them
20 that were published on the internet, so I'm
21 just trying to figure out how my files are
22 different from the files of the Nassau
23 County attorneys put up on-line.

24 MR. MITCHELL: And I object to
25 the form, if you know.

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2 A. I'm sorry --

3 MR. MITCHELL: I don't know, I'm
4 sorry, how would he know?

5 Q. Let me rephrase my question.

6 My question is, it's my
7 understanding that a set of files exist in
8 that particular case that were received by
9 folks in Nassau County.

10 MR. MITCHELL: Forgive me, I
11 don't mean, if you could just clarify
12 folks in Nassau County. Just be more
13 specific, that's all.

14 Q. As part of their investigation
15 into the matter, I'm sure you were aware
16 that there was a dual investigation into
17 that matter?

18 A. Yes.

19 Q. And then those files that were
20 produced to Nassau County as opposed [sic]
21 to the Internal Affairs Department or
22 inspectors out there --

23 A. I'm sorry to interrupt, what
24 files?

25 Q. A copy of the IA.

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2 A. So the Suffolk County Police
3 Department Internal Affairs Bureau file.

4 Q. Was disclosed, and apparently
5 it was published because I got it. It was
6 available publicly and I received it. That
7 copy that I received publicly purported to
8 have a whole lot of handwritten information
9 on it from those that were involved in the
10 process of reviewing the reports and I know
11 that you were involved in that, so I know
12 perhaps, do you know what I'm talking about
13 so far?

14 MR. MITCHELL: I object to your
15 form, but you could answer her
16 question.

17 A. You're talking about the IA
18 investigative report regarding that
19 investigation --

20 Q. Right.

21 A. -- from Suffolk County Police
22 Department?

23 Q. Right.

24 A. And it had handwritten
25 provisions on it?

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2 Q. Right.

3 Are you aware of the
4 handwritten notes that were published in
5 the media pertaining to that investigation
6 report?

7 A. That was published in Newsday.

8 Q. That's right.

9 A. Yes.

10 Q. Okay.

11 So I'm just trying to figure
12 out how those copies that had clearly
13 internal handwriting on them didn't make it
14 to me and my discovery requests in this
15 case. I got clean sheets without any
16 handwritten notes on them.

17 I'm trying to understand from
18 you as far as recordkeeping goes, are those
19 handwritten notes kept separately or why
20 weren't they included in my discovery?

21 MR. MITCHELL: I object to the
22 form. He can answer the first part
23 of your question.

24 Q. Yes, as far as recordkeeping,
25 are they --

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2 MR. MITCHELL: But as far as why
3 you didn't get it, he's not competent
4 to answer that, unless he knows it.
5 Do you know why she didn't get some
6 paperwork?

7 A. When did you get this
8 paperwork?

9 Q. During the course of my case.

10 So I'm trying to understand --

11 A. Okay.

12 Q. -- why some IA records are,
13 seem to be sanitized and others aren't.

14 MR. MITCHELL: I object to the
15 form. You can answer.

16 A. I can only speculate.

17 MR. MITCHELL: Don't speculate.

18 A. Okay, I don't know. I'm sorry,
19 unless you could show me.

20 MR. MITCHELL: No, I don't know
21 is an acceptable answer.

22 Q. Sure.

23 I would not want you to answer
24 things that you don't know that is for
25 sure.

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2 A. Okay.

3 Q. So do you know whether or not
4 your IA file in paper or on the computer
5 contains any copies of any handwritten
6 notes from any party from any of the
7 documents?

8 A. I don't know for certain. I
9 wasn't involved in that investigation. At
10 one point, I was asked to review a document
11 that was created by Inspector Calderelli.
12 I'd have to check the actual file.

13 Q. That document from Inspector
14 Calderelli is the one I'm talking about
15 that was published on Newsday that had
16 handwritten notes in it.

17 I'm trying to figure out if
18 that's a copy saved in your file or if that
19 came from somewhere else. Do you know if
20 that copy with handwritten notes is in your
21 file?

22 A. That, I don't know, and I don't
23 know if Inspector Calderelli kept a
24 personal copy of a document and then
25 produced it to Newsday, I don't know.

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2 Q. Should it be kept as a routine
3 matter?

4 A. Should it be maintained by IAB?

5 Q. Yes.

6 A. Yes, and no file should have
7 been removed from the office.

8 Q. Oh, okay.

9 So what were you shaking your
10 head no about just now, what part of my
11 question?

12 MR. MITCHELL: I object, but you
13 can answer.

14 A. No, you said should have been
15 removed, I said no, that's clear-cut that
16 you do not remove any documents and no,
17 nobody should be removing any document.

18 Q. Okay.

19 A. Keeping it in as personnel
20 effects.

21 Q. Okay.

22 Should that document have been
23 retained in the IA file with handwritten
24 notes regarding information or thoughts or
25 anything at all, should that copy have been

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2 kept within procedures and rules?

3 A. If it pertained to that
4 procedure, yes, it should be kept.

5 Q. So as your file sits right
6 there, is there a copy of it in there?

7 A. I'd have to check that
8 particular file. I would expect it, yes.
9 Any document that was created pursuant to
10 that investigation is contained within the
11 file maintained within IAB.

12 Q. Okay, that's fair, I wouldn't
13 expect you to know per se if it's in there,
14 but knowing it's supposed to be in there is
15 what I'm getting at.

16 A. Okay.

17 Q. So is it also fair to say that
18 any reports reviewed by anyone in the chain
19 of command or anyone who was asked for
20 thoughts that their handwritten notes on
21 them should per procedure be maintained in
22 your IA file?

23 A. Yes. Any records maintained
24 pursuant to that investigation which all of
25 them maintained or depict handwritten

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2 notations regarding the review process,
3 yes, they should be maintained with IAB.

4 Q. So no one should be throwing
5 out any handwritten notes of anything at
6 any time, is that fair, unless there are --

7 A. If it's not related, then it's
8 not material, it's just like an
9 investigation, not criminal, just like a,
10 like I described before, you got a phone
11 message from this complainant, I wouldn't
12 expect that to be saved in the file, but
13 any materials to the investigation, yes,
14 should be maintained in the file.

15 Q. So someone's draft mark-ups
16 containing edits to any kind of official
17 report should be kept for any policy and
18 procedure?

19 A. No, if it's not a final report
20 because we have an extensive review process
21 and that entails sometimes numerous
22 amendments.

23 Q. Okay.

24 Let me see if I could better
25 understand this.

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2 I'm going to mark this for ID.

3 I made a copy of a Newsday report that way
4 you and I are talking about the same thing.

5 MS. McCLURE: Can you mark this
6 as Plaintiff's Exhibit 2, please.

7 (Whereupon, the aforementioned
8 document was marked as Plaintiff's
9 Exhibit 2 for identification as of
10 this date by the Reporter.)

11 Q. So I'm going to ask you just to
12 take a look at this. This is the article
13 that we were just referring to in Newsday.
14 You're familiar with that article?

15 A. Yes.

16 Q. Okay.

17 And the photo insert there
18 purports to be a draft copy of that
19 Calderelli report, correct?

20 A. Yes.

21 Q. And there's some handwriting on
22 that report that clearly is indicative of
23 being some kind of draft or someone's
24 thoughts on what should go in and what
25 should be taken out on a final draft.

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2 Would you agree with that?

3 A. Yes.

4 Q. So what I want to understand is
5 that, is it Suffolk County's policy to
6 purge these reports with handwritten notes
7 on them when eventually a final report is
8 written?

9 MR. MITCHELL: And I will object
10 to form. You can answer.

11 A. If it's just a draft of a
12 report and it gets amended and it's not a
13 final report, it depends on whether there's
14 a need to save the original draft.

15 Q. Okay.

16 So then the county does not
17 have a policy per se or a written policy
18 that has requirements about saving drafts
19 or supervisor directives --

20 A. No.

21 Q. -- with regard to IA reports?

22 A. When it comes --

23 MR. MITCHELL: I object, but you
24 can answer.

25 A. -- when it comes to our

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2 reports, for instance, if I get a report, I
3 review it and there are a couple of issues
4 that need further investigative efforts or
5 if it's not drafted properly in my opinion,
6 I send it back for some kind of revision,
7 no. Generally, we just save the final
8 version of the report and that's what gets
9 submitted up the chain for review.

10 Q. Okay.

11 So a copy with handwritten
12 notes as the one we're using in Exhibit
13 Number 2 according to the county's policies
14 and procedures are then properly destroyed?

15 MR. MITCHELL: Objection to the
16 form. That's not his testimony. I
17 object to the form, but you can
18 answer.

19 A. No.

20 Q. What should happen to it?

21 A. I don't know what happened with
22 this report. I remember being assigned to
23 a meeting with Inspector Calderelli because
24 there was some glaring issues with a report
25 that he drafted.

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2 Q. And you were called to that
3 meeting at that time?

4 A. Yes.

5 Q. And in what capacity were you
6 called to that meeting?

7 MR. MITCHELL: I object to form.

8 You can answer.

9 A. I was assigned to legal bureau.
10 I was working in the commissioner's office.

11 Q. So you were not a member of
12 Internal Affairs at that time?

13 A. No.

14 Q. And you were, legal affairs of
15 the commissioner's office at that time?

16 A. Legal bureau.

17 Q. Legal bureau, okay.
18 That corresponded with the time
19 that you were held an officer position with
20 the Superior Officers Union as well; is
21 that correct?

22 A. No.

23 Q. No, it was a different in time?

24 A. It was in 2014 and no, I was
25 not on a union board at that point.

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2 Q. Okay.

3 So you were in this capacity as
4 a legal affairs capacity, as one would
5 attend that meeting?

6 A. Yes.

7 Q. So in your estimation then
8 having been so involved with this specific
9 report, should per the policy of Suffolk
10 County, should that have been destroyed or
11 should that have been kept?

12 MR. MITCHELL: I object to the
13 form. You can answer.

14 A. I never really possessed the
15 report, so I don't know what happened to
16 it.

17 Q. Looking at it now and
18 understanding the recordkeeping policies as
19 you do, should that report have been kept
20 or should it have not been kept?

21 MR. MITCHELL: I object to the
22 form. You can answer.

23 Q. Or something else?

24 A. I can't tell just based on
25 this, I don't know if this was signed by

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2 the commissioner or signed by anybody along
3 the review process. So I don't know what
4 version of this report is indicated in this
5 Newsday publication and also, I don't know
6 what we actually have in our file. We
7 might have this in our file.

8 Q. So it was a report that was
9 important enough to call several persons in
10 to discuss it, is that fair to say? How
11 many people were involved in that meeting
12 to discuss this report?

13 A. It was chief of detectives, me
14 and Chief Calderelli.

15 Q. And who was the chief at that
16 time, who was the chief of detectives that
17 you just mentioned?

18 A. Chief Madigan.

19 Q. So who called that meeting?

20 A. Commissioner Webber.

21 Q. So Commissioner Webber was
22 interested enough in this report that he
23 got the three of you guys to get-together
24 to discuss it and at that time, you, this,
25 well, and you would say then that any

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2 drafts about that report wouldn't
3 necessarily be saved? So it's important
4 enough to have a meeting about it, but not
5 important enough to save those handwritten
6 notes?

7 MR. MITCHELL: I object to the
8 form. You can answer.

9 Q. I'm just asking, for the
10 recordkeeping policies, should it be saved
11 or should it not, given these
12 circumstances?

13 MR. MITCHELL: And I object to
14 form. You can answer.

15 A. If it was reviewed by the
16 commissioner and there were notations to
17 that effect, it should be saved in my
18 opinion.

19 Q. I want to go back to IAPRO
20 little bit on these categories.

21 At some point, these categories
22 changed, we would agree on that. At some
23 point these 37 were updated, they weren't
24 always 37, at some point they were 19 or
25 something to that effect; is that correct?

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2 MR. MITCHELL: I object to the

3 form. You can answer.

4 A. I don't know the exact number
5 when it was originally put into the system,
6 but yes, they have been amended overtime.

7 Q. Okay.

8 So at the time that each
9 amendment happened, how were the legacy
10 categories incorporated into the new
11 categories?

12 A. They weren't.

13 Q. What happened to them?

14 A. Whatever categorization
15 occurred when it was entered into IAPro
16 still remains.

17 Q. Okay.

18 So is it possible that there
19 are categories that are not reflected on
20 this list of 37 that are still in the
21 system?

22 A. Yes.

23 Q. What are those categories that
24 are still in appearance somewhere in the
25 IAPro system, but are not in the

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2 categorization system?

3 A. Example such as now it's
4 categorized as excessive force, at one
5 point for whatever reason they categorized
6 it as undue force.

7 Q. Okay.

8 A. That's one example. Also, we
9 added bias policing as an allegation,
10 probably about seven years ago; prior to
11 that, I mean it would be entered as civil
12 rights violation, but that, as you know,
13 could incorporate false arrest, excessive
14 force, et cetera.

15 So unfortunately, the
16 categorization is not sufficiently specific
17 where you could just say, oh, whatever
18 you're looking for has to be under just
19 this categorization and that one only.

20 Q. Okay.

21 What would occur if a
22 particular officer had a common issue
23 violating a particular duty, but his
24 violation did not occur within the trigger
25 points, so not five within a 24-month

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2 period or not three of the other certain
3 kind. They had to do with something else.

4 Would there be any flag that
5 was put into the system because of the
6 commonality and the problems of his
7 behavior?

8 MR. MITCHELL: And I'm going to
9 object to the form. You say it has
10 to do something else, you're talking
11 about a complaint?

12 MS. McCLURE: I'm talking about
13 whether it's in a complaint or
14 whether it's some supervisor notice
15 that he was having a problem --

16 MR. MITCHELL: And I object to
17 the form. You can answer.

18 A. As part of IAB intake process,
19 when we get a complaint on an officer, we
20 check the history on the officer to see if
21 any parent patterns.

22 Q. In IAPro, is that where you
23 checked?

24 A. We start with IAPro, yes, but
25 depending on how long the officer was with

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2 the department, we may have to check our
3 antiquated card catalog system.

4 Q. If an officer had a repeated
5 history of having some trouble with
6 withholding exculpatory of reading
7 material, how would that person be
8 triggered in the computer system?

9 MR. MITCHELL: I object to the
10 form. You can answer.

11 A. I, very rarely do we see an
12 actual allegation that withheld Brady [sic]
13 material. It would be, that's very rarely
14 encountered. If we got an allegation of
15 false arrest or some improper action
16 regarding statement taken something of that
17 nature, but these don't happen frequently.

18 Q. So if they did occur with a
19 particular officer with any frequency, say,
20 four or five times in a ten-year span,
21 would that trigger any flags to say, hey,
22 this guy is having trouble with this Brady
23 thing, he should be monitored?

24 MR. MITCHELL: I object to the
25 form. You can answer.

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2 A. If there's any commonality or
3 any apparent pattern, yeah, that definitely
4 should be noted. It's part of the intake
5 process.

6 Q. Part of the intake of what?

7 A. Of a complaint investigation --

8 Q. Okay.

9 A. -- or an administrative
10 investigation.

11 Q. What would trigger such an
12 administrative investigation?

13 A. Could be referral from the DA's
14 office, could be direction from the police
15 commissioner, could be any source.

16 Q. Okay.

17 A. So we don't need an actual
18 civilian coming forward and making a
19 complaint to commence an investigation. So
20 if there's any other referral, any other
21 essentially a referral or any kind of need
22 to do an investigation, then that would
23 trigger what we call an administrative
24 investigation.

25 Q. And that would be all

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2 reactionary to some information coming to
3 the IAB?

4 A. Yes, it would be some
5 information that would trigger that need.

6 Q. Is there any system of
7 follow-up when it comes to officers'
8 testimony in grand jury or at trial if
9 there are allegations of false swearing of
10 any kind? Is there any kind of automatic
11 system of follow-up to make sure if there
12 should be some kind of internal trigger or
13 flag on a person saying I don't know that
14 he was being truthful, maybe you should
15 watch him? Is there any human trigger that
16 would go into that?

17 MR. MITCHELL: I object to the
18 form, but you can answer

19 Q. Do you understand what my
20 question is?

21 A. I understand that the
22 limitation is going to be especially with
23 grand jury testimony. We're not going to
24 be able to monitor that. So generally if
25 there's an issue regarding an officer's

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2 testimony pursuant to a criminal
3 prosecution, we're going to get a
4 notification from the DA's office and that
5 will be our notice.

6 Q. So it will be up to the DA to
7 say to themselves something isn't right
8 about this officer and then it would be
9 incumbent on the DA to bring that to your
10 attention?

11 A. Yes, that does happen on a
12 regular basis.

13 Q. So there's no internal
14 monitoring of testimony, say, in a grand
15 jury or at trial?

16 MR. MITCHELL: I object. You
17 can answer.

18 A. In practicality, I don't know
19 how we would be able monitor testimony in a
20 grand jury other than seeking the DA's
21 office or the ADA.

22 Q. I guess that's my question.

23 Do you guys seek information or
24 do you only receive it?

25 MR. MITCHELL: I object, but you

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2 can answer.

3 A. We seek it, but generally any
4 time there's an issue, we get a referral
5 from the DA's office, that's an automatic.

6 Q. Is it generally or is it always
7 the case that when you guys do these
8 investigations into testimony and false
9 swearing that it's reactionary from some
10 information coming into your office?

11 MR. MITCHELL: I object, but you
12 can answer.

13 A. We would get notice from the
14 DA's office and it would be a formal
15 referral from the DA, him or herself, to a
16 commissioner and then it would trigger an
17 IAB investigation into underlying matter.

18 Q. Okay.

19 How about complaints against
20 the Suffolk County Laboratory or the
21 Medical Examiner's Office, do they come
22 through your office as well?

23 A. No, because they're not under
24 the purview of the police department.

25 Q. Okay.

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2 Help me to understand what, if
3 any, Internal Affairs are monitored of
4 those two departments?

5 MR. MITCHELL: I object to the
6 form. If you're asking -- I object,
7 but you can answer. You can answer
8 the question.

9 A. Okay. We don't have authority
10 over are those offices and any allegations
11 of misconduct pertaining to their office
12 would be referred to their offices.

13 Q. Understood.

14 Explain to me if you would the
15 four categories of findings from your
16 office.

17 A. We have exonerated which means
18 that the alleged actions of the officer
19 have been established by evidence to have
20 occurred, but upon review, they're
21 justified or proper; we have unfounded in
22 which case due to the investigation
23 reliable information has been discerned
24 that would have disproved the allegations
25 and refute the allegations; and there's

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2 unsubstantiated which means the
3 investigation didn't resolve the differing
4 accounts between the complainant and the
5 involved officers and then there's
6 substantiated which means that there's
7 credible information to support the
8 allegations and the allegations are in fact
9 constitute police misconduct.

10 Q. In instances where cases are
11 exonerated and facts and allegations have
12 been deemed to have in fact occurred, but
13 were deemed not to be misconduct, what, if
14 any follow-up occurs with regard to
15 monitoring of those cases after your file
16 is closed?

17 MR. MITCHELL: I object, but you
18 can answer.

19 A. Monitoring of the case that's
20 closed?

21 Q. Of the case or personnel that's
22 involved.

23 A. Well, as far as the case
24 itself, I mean once it's closed, there's
25 not going to be any further investigation

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2 unless there's new information that comes
3 forward or comes to light or there's some
4 additional allegations that are made. As
5 far as monitoring of the involved officer,
6 I think we discussed comprehensively of the
7 amount that's done.

8 Q. Okay.

9 Is there any mechanism or by
10 exonerated cases that were again, factually
11 substantiated, are disclosed as part of
12 your regular disclosure process or lawsuits
13 and foil requests or are exonerated cases
14 kept classified?

15 MR. MITCHELL: I object to the
16 form. You can answer.

17 A. We abide by the directions
18 provided to us either by the U.S.
19 Attorney's Office, the DA's office, State
20 Attorney General's office or the County
21 Attorney's office or outside legal counsel
22 as to what files they need to produce.

23 Q. Okay.

24 A. So we don't make those
25 decisions for such offices.

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2 Q. Are your files in IA organized
3 by incident or office?

4 A. They're organized by case
5 number.

6 Q. Case number, okay.

7 And does a case number get
8 assigned to each and every incident?

9 A. Each and every investigation.

10 Q. So one file has one
11 investigation in it?

12 A. Yes.

13 Q. Is there ever a time when your
14 office sees it fit to have a third party or
15 outside source perform an investigation?

16 MR. MITCHELL: I object to the
17 form. You can answer.

18 A. As far as referring a matter?

19 Q. When a matter is referred, is
20 there ever a time where you feel something
21 would be best investigated by an outside
22 entity?

23 A. Yes.

24 Q. Can you tell me about those
25 times?

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2 A. If we have a matter that
3 appears to be of a criminal nature
4 involving one of our officers, we will
5 refer to the DA's office, sometimes the
6 U.S. Attorney's Office and sometimes the
7 State Attorney General's office.

8 Other than that, no. We have
9 procedures if a complaint is made against
10 the commissioner or the deputy police
11 commissioner or chief of department by one
12 of our employees and it involves, you know,
13 sexual harassment or hostile work
14 environment, such matters have to be
15 referred to the chief deputy, county
16 executive for investigation.

17 Q. And when that occurs, do you
18 get copies of the records that were
19 generated that to be maintained in your
20 Internal Affairs bracket?

21 A. No, such investigations we
22 don't get copies in IAB.

23 Q. Do you get communications or
24 correspondence about the outcome of those
25 investigations?

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2 A. We don't get a formal
3 investigation, no.

4 Q. What kind of notification do
5 you get?

6 A. The copy of the report, I guess
7 maintained in labor relations.

8 Q. I'm sorry, copy of what report,
9 copy --

10 A. Whatever investigative report
11 that's created pursuant to matter. It's
12 not going to be maintained within IAB.

13 Q. Okay.

14 It's going to be maintained
15 where, pardon me?

16 A. Labor relations.

17 Q. Labor relations?

18 MR. MITCHELL: The Dennison
19 Building.

20 Q. The Dennison Building, okay.

21 And where is labor relations?

22 A. In the Dennison Building.

23 Q. Is that considered part of the
24 police department, part of your office,
25 what is there? Are they a separate arm of

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2 the government, what are they?

3 A. It's a county agency that's
4 outside the police department.

5 Q. And how were you notified about
6 the outcome then? You said you don't get a
7 formal notification, so what, do you get a
8 phone call?

9 A. We don't get any kind of
10 notification unless there's some action
11 that needs to be taken.

12 Q. Okay.

13 So after a third party takes
14 over an investigation, your office has no
15 involvement or understanding of the case or
16 its outcome at all whatsoever?

17 MR. MITCHELL: I object to the
18 form. You can answer.

19 A. Only pertaining to the
20 investigations that are done under the
21 investigations of labor relations.

22 Q. Okay.

23 A. Any cases that we refer to for
24 possible criminal investigations, well,
25 prosecution say to the DA's office or, we

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2 would retain disciplinary investigation
3 within the agency.

4 Q. Okay.

5 And what records would you
6 maintain in those files?

7 A. It would be the usual
8 investigative report and associated
9 documents.

10 Q. Would you receive copies of
11 anything generated by the third parties
12 who's investigating it?

13 A. It would incorporate any
14 documentation that was provided by the
15 prosecuting agency, yes.

16 Q. So there is a system in place
17 for sharing information between your office
18 and the investigating agency?

19 A. I wouldn't say a system, it
20 would be a request that upon completion of
21 its criminal investigation and or
22 prosecution that we would be provided with
23 whatever documents that they could share.

24 Q. And do you do that as a matter
25 of policy in all cases where something

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2 criminal is investigated by a third party?

3 A. Yes.

4 Q. Did you do that for the Spota
5 investigation, request those files?

6 MR. MITCHELL: And I object to
7 the form, you can answer.

8 A. I'm sorry, to the Spota
9 investigation?

10 Q. Yes, I'm sorry, perhaps you're
11 familiar with it.

12 Did you request the
13 investigating agency to disclose any of
14 their files to you?

15 MR. MITCHELL: You're referring
16 to the investigation, the District
17 Attorney Tom Spota?

18 MS. McCLURE: Yes, the one he's
19 currently in prison --

20 MR. MITCHELL: I just want to
21 clarify, you're talking about an
22 investigation of Tom Spota?

23 MS. McCLURE: Yes.

24 MR. MITCHELL: Okay, that's all.
25 With that in mind, I'm objecting to

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2 the form. You can answer.

3 Q. Do you remember the question?

4 A. Yes. Did we request -- there
5 was a request from Commissioner Hart that
6 was made to the FBI for whatever
7 documentation they could share and, yes,
8 there was some documentation that was
9 provided to the police department.

10 Q. About when was that received?

11 A. I believe that was probably
12 January of 2020.

13 Q. Tell me about the background
14 usage log of IAPro. Are you familiar with
15 that system and the capability of it?

16 A. You mean as far as access when
17 people access the program?

18 Q. Right.

19 A. Yes, I am familiar.

20 Q. Okay.

21 Is there a system in place for
22 you to monitor who accesses the system and
23 what's done on it?

24 A. Yes, we can monitor who has
25 access to particular files and then delve

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2 into the issue as to why a particular
3 investigator accessed the file.

4 Q. Is it automatically reviewed
5 per some standing operating procedure or do
6 you just simply know that you have the
7 capability to do it and have occasionally
8 review it?

9 A. I know we have the capability
10 and know how to use it and when the need
11 arises, if there's an investigative need we
12 will check it.

13 Q. Okay.

14 I know that in IAPro you have
15 the ability to purge files and purge
16 employees; is that correct?

17 A. It has, the system has the
18 capability all data that's entered into it.

19 Q. And is a back-up system kept of
20 purged information, do you know?

21 A. The only information that's
22 allowed to be purged is if somebody
23 erroneously enters a file with no
24 information and then it's not essentially
25 purged, it's just used for a report of that

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2 nature.

3 Q. And when you say allowed, does
4 that mean there's some policy specific with
5 regard to purging information?

6 A. All request to purge any
7 entries and what will happen is the only
8 time it's allowed to occur is if the CO or
9 I review report that's created by somebody
10 in Internal Affairs Bureau, a notification
11 or some other report and for whatever
12 reason they left it blank.

13 Q. Okay.

14 A. And then at that point, we
15 don't actually purge it, we just -- I have
16 our Admin One just open up the file so it
17 can be used for such a report.

18 Q. All right.

19 A. And even just to make it
20 perfectly clear, if any data for whatever
21 reason was accidentally purged, again we
22 have the documents for all of the files.

23 Q. Are you aware of whether or not
24 your IT department has what's called a
25 purge hold on the files in IAPRO?

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2 A. I'm not aware if they had a
3 purge hold on them.

4 Q. Is there somebody within the IT
5 department who is in charge of IAPro and
6 its administration?

7 MR. MITCHELL: I object. You
8 can answer.

9 A. There's nobody in charge of it.
10 Generally we use whichever computer tech is
11 available to help us with whatever we need.

12 Q. Okay.

13 Are you familiar with the
14 storage and your office's policy on the
15 keeping of Metadata in records? Do you
16 know what that is?

17 A. I'm sorry, am I familiar with
18 the policy?

19 Q. Are you familiar first with
20 what Metadata is as a record, and secondly
21 do you have a policy on the storage of it?

22 MR. MITCHELL: I'm going to
23 object, but you can answer it.

24 A. No, I'm not aware of any
25 particular policy regarding Metadata.

1 A. CRAWFORD

2 Q. But you are aware of the
3 information stored in Metadata?

4 A. As far as how it's stored, no,
5 I'm not. I'm not an IT or a tech person,
6 no.

7 Q. But you are aware that it
8 stores information about a user's
9 interphase [sic] with a computer
10 information that is stored on a computer
11 and when it was generated and when it's
12 deleted, you can tell all of that from
13 Metadata. Is that something that you have
14 in your understanding of what Metadata is?

15 A. Okay, no, I didn't understand
16 what you meant by Metadata, but yes, we do
17 have the capability to check any data was
18 altered within the system.

19 Q. And is that system that you
20 have pursuant to standardized policies and
21 procedures checking that data with any
22 given regularity?

23 A. No, we don't have any
24 requirement to check such data.

25 Q. Okay.

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1 A. CRAWFORD

2 MS. McCLURE: Off the record.

3 (Whereupon, a five-minute break
4 was taken.)

5 MS. McCLURE: Back on the
6 record. All parties are present. The
7 witness knows he's sworn. We're in
8 the home stretch. All right.

9 Q. I'm going to hand you now, I'm
10 going to mark just this first page of the
11 IAPro manual exhibit as three, Plaintiff's
12 3.

13 (Whereupon, the aforementioned
14 document was marked as Plaintiff's
15 Exhibit 3 for identification as of
16 this date by the Reporter.)

17 MS. McCLURE: If you guys want
18 to check this out. It's just page
19 one. The software brand.

20 MR. MITCHELL: Thank you.

21 MS. McCLURE: Exhibit 3, I will
22 pass this to the witness to take a
23 look at that first page.

24 Q. Mr. Crawford, take a look at
25 the provider, IAPro, the information at the

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1 A. CRAWFORD

2 bottom pertaining to the vendor.

3 Is that in fact the software
4 that you guys use reflected in that page
5 one of the manual?

6 A. IAPro software, yes.

7 Q. So that March 2019 handbook
8 sort of speak is several hundred pages. Do
9 you have a copy of that full handbook in
10 your office?

11 A. I know we have a handbook as a
12 reference within the office. I don't know
13 if it's the March 2019 version.

14 Q. Okay.

15 Do you have every handbook for
16 every version that's been published?

17 A. That, I'm not aware of.

18 Q. All right.

19 I want to talk about the
20 monitor tab a little bit more. The monitor
21 tab, my understanding, is that it's linked
22 to that early intervention system and the
23 threshold notifications that we have
24 already discussed.

25 Is my understanding correct?

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1 A. CRAWFORD

2 A. Yes.

3 Q. Does that monitor tab serve any
4 other function in your office?

5 A. Yes, we also use the monitoring
6 for officers that are subject to
7 stipulation and agreements.

8 Q. Okay.

9 A. Also for officers that are
10 subject to the terms of an Order of
11 Protection.

12 Q. So for Orders of Protection,
13 that pertain to domestic violence incidents
14 or any other criminal or family related
15 matter?

16 A. Yes.

17 Q. And when the monitor tab gives
18 you an employee snapshot, the screen talks
19 about threshold limits. Are those
20 threshold limits limited to the two
21 threshold limits we talked about earlier
22 that trigger notifications?

23 A. Thresholds regarding complaint?

24 Q. Any other threshold limit. I
25 see administrative threshold, citizen

1

A. CRAWFORD

2

complaint limit, overall threshold limit,
probationary police officer or use of force
limit. If you want to take a look at that.

5

A. I mean we also have bias
policing, by allegation of bias policing,
it's not really a threshold, but upon every
incident generated for that.

9

Q. So bias policing is defined as
what?

11

A. As any act or, by a police
officer that is based on either an actual
bias or perceived bias.

14

Q. And a flag or an alert goes out
immediately upon the accusation of the bias
policing?

17

A. Yes, there's no, the threshold
is essentially one.

19

Q. And how long does that flag
stay active? How long is that alert
carried with that officer?

22

A. Well, the alert is generated
upon one complaint.

24

Q. And how long does it stay
there?

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1 A. CRAWFORD

2 A. It stays in his or her history
3 for the remainder of the officer's career.

4 Q. Is that the case for all
5 alerts? Do they stay with the officer for
6 the remainder of their career?

7 A. There's a record of the alerts,
8 yes.

9 Q. Okay.

10 Do those alerts at any point
11 drop off of the early intervention screen?

12 A. Well, I, as far as the
13 dashboard, as far --

14 Q. As far as the dashboard.

15 A. No. It may drop off for a
16 certain period of time elapses and that
17 officer is no longer within a threshold
18 criteria, but the alert itself is going to
19 remain as a permanent part of that
20 officer's history.

21 Q. So what alerts remain as a
22 permanent part of the officer's history
23 until retirement?

24 A. All of them.

25 Q. Okay.

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1 A. CRAWFORD

2 So you just testified that some
3 of them, if they fall out of a threshold
4 time limit would fall off. So are there
5 categories of notifications or flags,
6 pardon me, what's the proper term, alert?

7 A. Well, we need to make a
8 distinction between an alert and an
9 indication on the dashboard.

10 Q. Okay.

11 A. The alert is generated upon an
12 officer meeting one of the established
13 thresholds. The alert goes to the command
14 of the officer and that's going to be a
15 record of, that alert is going to be a
16 permanent alert of that officer's
17 disciplinary history.

18 Q. And what, if anything, remains
19 a permanent part on the dashboard?

20 A. Ideally, nothing. I mean it's
21 going to fluctuate on the information
22 available at any particular time. So if an
23 officer had, for argument sake, three
24 complaints last year, but two years go by
25 and the officer doesn't have any additional

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1 A. CRAWFORD

2 complaints and there are no other incidents
3 that would trigger a threshold, then at
4 that point you should have a green light.

5 Q. And what determines that time
6 period that you, you know, determine
7 whether or not if there's been a clean
8 history, something should be removed? Is
9 that policy or discretion?

10 MR. MITCHELL: I object to the
11 form. You can answer.

12 A. It's pursuant to the
13 established threshold and whatever time we
14 entered into the system for that particular
15 threshold.

16 Q. And is it one person that
17 determined the threshold for each category?

18 A. Ultimately, yes. It's a
19 commanding officer of Internal Affairs
20 Bureau.

21 Q. And are those changed or
22 updated ever?

23 A. They are updated. As far as
24 the last time it's been updated, that was
25 probably 2015 or so, I don't know. I'm

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1 A. CRAWFORD

2 sorry, that's when we added bias policing
3 and an automatic alert on that, but we had
4 to change the threshold, we had an overall
5 six incident alert, but because of
6 limitations in the system, we had to
7 convert that to the category regarding five
8 complaints within any 24-month period so we
9 can ensure that we adhere to our reporting
10 requirements.

11 Q. So are all of the alerts then
12 subject to fall off of the dashboard at
13 sometime or another?

14 MR. MITCHELL: I'm going to
15 object to the form. You can answer.

16 A. As far as the information
17 that's available on the dashboard when the
18 supervisor is supposed to make the monthly
19 checks?

20 Q. Yep.

21 A. Yes, that's going to
22 continually fluctuate based on the data
23 present at the time.

24 Q. So if a person has had, for
25 example, ten complaints of lying, that's a

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1 A. CRAWFORD

2 category, right, lying; ten problems that,
3 but he hasn't had any problem with that in
4 the last, say, two years or whatever the
5 threshold might be at by the commander and
6 the supervisor pulled up the dashboard
7 after that time had happened, would there
8 be any indication on the dashboard of that
9 prior problem?

10 A. No, not to the supervisor.

11 Q. All right. I want to talk
12 about reports that are run from IAPRO.

13 In the course of the
14 administration of your office, do you
15 regularly run any type of reports; monthly,
16 quarterly showing officers who have had
17 problems or any type of compilation of data
18 that you feel is important to review?

19 A. Yes, what we do is check for
20 specific types of categorization of
21 complaints, allegations of excessive force,
22 false arrest, et cetera, and we will help
23 put together a list of the officer's most
24 complaints so it can be analyzed further.

25 Q. Is that list automatically

1 A. CRAWFORD

2 generated by IAPro, the top percentage
3 list, what is it called, or is that a list
4 that you guys generate yourself?

5 A. Generally the data runs that we
6 do would generate ourselves. We don't use
7 any standardized report.

8 Q. Okay.

9 So within your offices, is it
10 correct to say that there are compilations
11 of data on your computer that track
12 information about officers and problems
13 that are seen as commonalities throughout
14 the data that you create and maintain on
15 your computer system outside of IAPro?

16 MR. MITCHELL: I object to the
17 form. You can answer.

18 A. We will put together the
19 reports, we will use it for our arm
20 analysis and with our meetings with the
21 commissioner and actually the department
22 just instituted a new bureau, a risk
23 management bureau that's going to be
24 actually assisting us with analyzing this
25 data, but there's something we do

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1 A. CRAWFORD

2 internally with IAPro and we present the
3 information to the commissioner.

4 Q. When you guys go to those
5 meetings, how would you go with your
6 laptops and computers or do you go with
7 those reports printed on paper?

8 A. Generally we have the data
9 compiled and printed out.

10 Q. So are those data compilations
11 maintained on paper and also scanned
12 somewhere in your computer?

13 A. Ordinarily I will keep my
14 copies in a folder that I use for our
15 meetings with the commissioner as a
16 reference.

17 Q. Okay.

18 And because they were made in
19 the computer, is it safe to say that your
20 reports would also be stored in the
21 computer?

22 A. Well, the data is, I would say,
23 from a system, so we don't scan, you know,
24 these data runs and enter them as any
25 particular report. We just have this

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1 A. CRAWFORD

2 available as a reference when we meet the
3 commissioner.

4 Q. So you do data runs, so queries
5 from IAPro and then print it out?

6 A. Yes.

7 Q. Okay.

8 So you don't transfer that data
9 into, say, an Excel sheet or data into your
10 own report, is that right?

11 A. We, it may be converted in an
12 Excel spread sheet or print it out as a
13 word document depending on what data we're
14 trying to assemble.

15 Q. Okay.

16 Do those types of reports or
17 charts in Excel have a particular name?

18 A. No, I mean we just use them for
19 personal reference within the office and
20 have it available for our meeting with the
21 commissioner.

22 Q. How often do you guys meet with
23 the commissioner?

24 A. Once a week.

25 Q. Do you always have reports with

1 A. CRAWFORD

2 you to go over with the commissioner in
3 substance?

4 A. Usually, yeah, you better be
5 prepared when you meet with the
6 commissioner. Yes, we have references
7 available.

8 Q. So there are weekly reports
9 about Internal Affairs that you share with
10 the commissioner on a weekly basis with new
11 reports generated every week?

12 A. We actually don't transmit a
13 report with the commissioner. We meet in
14 person with the commissioner at minimum
15 once a week and also additionally if the
16 need arises, but we will have information
17 available when the commanding officer and I
18 go to these meetings.

19 Q. Do you guys also discuss any
20 significant cases that you may be
21 investigating?

22 A. Yes, of course.

23 Q. And to be able to share with
24 him that information, do you ever prepare
25 any summary reports or memoranda about

1 A. CRAWFORD

2 those significant cases to give to him?

3 A. Generally our presentations to
4 the commissioner are verbal and we will
5 have whatever reports as a reference for
6 these meetings.

7 Q. Okay.

8 So I want to go back for a
9 moment. After your office became aware of
10 the results of the outside investigation of
11 Thomas Spota that we talked about earlier,
12 did your office do any further
13 investigating or generate any reports of
14 your own with regard to your, anything,
15 anything that you would have learned from
16 that case?

17 MR. MITCHELL: I object. You

18 can answer.

19 A. Yes, the department conducted
20 an investigation regarding our members'
21 involvement with that particular case as
22 well as other associated matters.

23 Q. And how did you determine which
24 associated matters would be investigated?

25 A. Well, this was at the direction

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1 A. CRAWFORD

2 of the police commissioner at the time, but
3 it was essentially Chief Burke and
4 associated incidents.

5 Q. So using the reports then from
6 a third party agency, you received
7 information and launched an investigation
8 on your own that generated additional
9 reports regarding that subject matter
10 affiliated things; is that correct?

11 A. Yes.

12 Q. Does your office have any
13 involvement over the investigation of the
14 district attorneys as well or just police
15 officers?

16 A. Just members of the police
17 department.

18 Q. Do you have any records
19 regarding members of the police department
20 and their interaction with any DA's as part
21 of your investigations, like do you ever
22 investigate DA's or their directives given
23 to police officers?

24 MR. MITCHELL: I object. You
25 can answer.

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1 A. CRAWFORD

2 A. We have no authority to
3 investigate allegations of misconduct or
4 anything else involving members of the DA's
5 office; however, if our investigation is
6 necessarily need to include information
7 from the DA's office, yes, we will try to
8 get information from the DA's office.

9 Q. If it comes to your attention
10 that a member of the DA's office working in
11 conjunction with a member of your
12 department are committing some kind of
13 misconduct or a conduct that you know as an
14 attorney is unethical, what is the policy
15 and procedure of your office to report that
16 to the agency that does have jurisdiction
17 over the DA's office?

18 MR. MITCHELL: I object to the
19 form. You can answer.

20 A. If we received any information,
21 any allegations of misconduct from members
22 of the DA's office, it will be referred to
23 the DA himself and also to the Public
24 Integrity Bureau and depending on the
25 nature of the allegations, referral to the

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1 A. CRAWFORD

2 U.S. Attorney's Office may also be
3 indicated, depending on the information.

4 Q. Okay.

5 And is that procedure
6 memorialized in any kind of SOP or
7 guidebook or is it discretionary?

8 A. As far as discretionary, if we
9 get allegations in misconduct involving
10 another agency, no, it's not discretionary,
11 we have to refer to them.

12 As far as which agencies get
13 the referral, that would be pursuant to a
14 discussion on the highest level with the
15 police commissioner.

16 Q. With regard to criminal matters
17 that come through and are prosecuted here
18 through Suffolk County, if any of those
19 investigations result in either a
20 conviction that's overturned or an
21 acquittal, does that trigger an automatic
22 investigation by your office?

23 MR. MITCHELL: I object, but you
24 can answer.

25 A. The acquittal itself or the

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1 A. CRAWFORD

2 reversal pursuant to an appeal would not
3 automatically trigger an investigation. We
4 would have to receive notice regarding the
5 matter, so we don't keep track of criminal
6 prosecution and the results and any appeals
7 that may result, but ordinarily our
8 investigation will be triggered by the
9 expected resulting in litigation.

10 Q. Okay.

11 A. So generally if a verdict is
12 set aside or there's an acquittal and
13 invariably the department and the County of
14 contracting would be served with the very
15 least a Notice of Claim, if not Summons &
16 Complaint and upon receipt of either of
17 those documents articulating any allegation
18 of misconduct would trigger an
19 investigation.

20 Q. Sure.

21 On referral?

22 A. Yes.

23 Q. Within your department, does
24 anyone communicate with the District
25 Attorney's office any kind of

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1 A. CRAWFORD

2 recordkeeping, any kind of list of officers
3 who are presently flagged or under alert
4 for any issue?

5 MR. MITCHELL: I'm going to
6 object. You can answer.

7 A. I'm sorry, could you repeat
8 that again?

9 Q. Do you share any records with
10 the Suffolk County District Attorney's
11 office when it comes to your attention or
12 when an officer is flagged or an alert is
13 put out to watch a specific officer?

14 MR. MITCHELL: I'm going to
15 object. You can answer.

16 A. Are you asking me if any of the
17 alerts that are generated pursuant to the
18 IAPro platform or shared with the DA's
19 office?

20 Q. Either the alerts themselves or
21 any communication to notify the DA's office
22 of an alert.

23 MR. MITCHELL: I object. You
24 can answer.

25 A. Any communications to the DA's

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1 A. CRAWFORD

2 office regarding an alert?

3 Q. Yes.

4 A. Who would make that
5 communication?

6 Q. I'm asking you.

7 A. No --

8 Q. Does any communication happen
9 at all?

10 A. -- when it comes through the
11 alerts generally the IAPro system, no. At
12 this time there's an internal alert.

13 MS. MCCLURE: Folks, I think,
14 I'm just about ready to wrap up. I'm
15 going to take a moment. We will go
16 off the record and then I suspect we
17 will wrap it up.

18 MR. MITCHELL: Okay, sounds
19 good.

20 (Whereupon, a five-minute break
21 was taken.)

22 MS. MCCLURE: Guys, we're going
23 back on the record. All parties are
24 present and we're back on the record.

25 Q. Officer, we have covered quite

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1 A. CRAWFORD

2 a bit today, but I need to understand a bit
3 more about these back-ups that you weren't
4 able to talk about before, how they're
5 maintained.

6 Is there someone specifically
7 that is in charge of maintaining these
8 back-ups that could answer questions about
9 extracting information from them?

10 A. As far as the IT staff, it
11 would either be William Dougherty,
12 Inspector William Dougherty is the
13 inspector of our section or Captain
14 Frederick Webber is the executive officer.

15 Q. All right, very good.

16 And with regard to the reports
17 that we have discussed today about doing
18 the queries that generate substantial
19 information and the concise history that
20 should have information pulled from the
21 IAPRO system including the narratives,
22 those are indeed queries that could be run
23 and either saved electronically or printed
24 out; is that correct?

25 A. Yes.

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1 A. CRAWFORD

2 Q. Do you save electronic copies
3 of your weekly reports to the commissioner?

4 A. No.

5 Q. So those are queries that you
6 make weekly that you printout that, what
7 happens to them afterwards, do you keep a
8 copy, throw them out, what happens to
9 those?

10 A. It's just, I may keep it in my,
11 I have a file that I keep as a personal
12 reference for the means with the
13 commissioner, if I replace it at any point
14 it's not as if these are standing reports
15 or any reports that are used external or
16 generally just shred the reports and update
17 it with new information.

18 Q. All right.

19 And how about those problem
20 officer reports that you were talking about
21 before, the top few that have been having
22 issues, I referred to it as something else,
23 from the IAPRO manual, but what do you call
24 those reports?

25 MR. MITCHELL: I object to the

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1 A. CRAWFORD

2 form. You can answer.

3 A. I'm sorry, the report of
4 problem officers?

5 Q. Yes.

6 You testified that there's a
7 report that you run where it shows officers
8 that have had perhaps the top percentile of
9 problems in one report; is that correct?

10 A. Yes, we will run reports with,
11 you know, the officers with the most
12 allegation of excessive force.

13 Q. And does that result from a
14 query that you do in IAPro that brings up a
15 list of officers?

16 A. Yes.

17 Q. And that list could either be
18 printed or saved of course in Adobe format,
19 am I right?

20 A. Yes.

21 Q. As far as the concise officers
22 history reports, it's my understanding that
23 those reports are generated by individual
24 officers; is that correct?

25 A. They're generated by individual

1 A. CRAWFORD

2 officers?

3 Q. Right.

4 In other words, can I pull up a
5 concise officer history of a particular
6 command or investigation unit that has
7 multiple officers?

8 A. Okay, no, I'm sorry, I thought
9 you meant that the individual officers were
10 the ones generating. Yes, the concise
11 history would be limited to a particular
12 officer.

13 Q. And does your unit ever see fit
14 to group those concise officer histories by
15 departments, so, say make a compilation of
16 the histories for, of a certain precinct or
17 a certain command unit?

18 A. Generally, in my experience
19 that without getting particular data on
20 individual officers compiling it for a
21 command really isn't useful data, in my
22 opinion.

23 Q. So if someone wanted to receive
24 concise officer histories of a particular
25 group of folks, that would be run either

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1 A. CRAWFORD

2 one of two ways in my estimation, either by
3 officer individuals or extracted from the
4 back-up which would have all the
5 information available, is that right?

6 A. Yes.

7 Q. And in order to inquire about
8 extracting that information via back-up, I
9 have to contact one of those two officers
10 because it's outside of your scope, right?

11 MR. MITCHELL: I object to form,

12 but you can answer.

13 A. Extracting from the back-up,
14 I'm not aware of that ever occurring, but
15 yes, if we had all of our computer
16 equipment destroyed in a fire and we had to
17 replicate all of the data, then yes, we
18 have to have IT session at that point to
19 replicate the data for us.

20 Q. I suppose that's good enough.
21 That answers my question. I have no
22 further questions at this time.

23 MS. MCCLURE: Is there anything
24 else you wanted to bring to my
25 attention, folks? Is there anything

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1 A. CRAWFORD

2 you want to put on the record or
3 should we go ahead and wrap up?

4 MR. MITCHELL: The only thing I
5 would put on the record is request a
6 copy of the transcript for him to
7 make corrections and errors.

8 MS. McCLURE: Of course.

9 MR. MITCHELL: That's it.

10 Nothing else from me.

11 MR. WOOD: I have no questions.

12 MS. McCLURE: Thank you. That
13 will conclude the record.

14 (Whereupon, at 3:09 p.m., the
15 Examination of this witness was
16 concluded.)

17 ◦ ◦ ◦ ◦
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20
21
22
23
24
25

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1 Brian Mitchell, Esq.

2 bmitchell@suffolkcountyny.gov

3 April 19, 2021.

4 RE: White v. County Of Suffolk, et al.

5 4/12/2022, Alexander Crawford (#5183058)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-ny@veritext.com.

16

17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

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1 White v. County Of Suffolk, et al.

2 Alexander Crawford (#5183058)

E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

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14

REASON _____

13 NAME _____ HOME _____ GRADE _____

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1 A. CRAWFORD

2 D E C L A R A T I O N

3

4 I hereby certify that having been
5 first duly sworn to testify to the truth, I
6 gave the above testimony.

7

8 I FURTHER CERTIFY that the foregoing
9 transcript is a true and correct transcript
10 of the testimony given by me at the time
11 and place specified hereinbefore.

12

13

14

15 ALEXANDER CRAWFORD

16

17

18 Subscribed and sworn to before me
19 this _____ day of _____ 20 _____.
20

21

22 NOTARY PUBLIC

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1 A. CRAWFORD
2 E X H I B I T S

3 PLAINTIFF'S EXHIBITS

4 EXHIBIT EXHIBIT PAGE

5 NUMBER DESCRIPTION

6 EX 1 Document: Subpoena of
7 Alexander Crawford

4

8 EX 2 Documents: Newsday

9 Article #1 197

10 EX 3 Document: IAPro

11 Instruction Manual Page 226

12 (Exhibits retained by Counsel.)

13 I N D E X

14 EXAMINATION BY PAGE

15 MS. McCLURE 4 - 250

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2 INFORMATION AND/OR DOCUMENTS REQUESTED

3 INFORMATION AND/OR DOCUMENTS PAGE

4 (None)

5

6

7

8 QUESTIONS MARKED FOR RULINGS

9 PAGE LINE QUESTION

10 21 6 When you say bargaining
11 representative, can you explain
12 to me what that means?

13

14 86 10 I wasn't, but you could tell me
15 about that now.

16

17

18

19

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24

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1 A. CRAWFORD

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)

5 : SS.:

6

7 COUNTY OF SUFFOLK)

8

9 I, NANCY WEINSCHREIDER, a Notary
10 Public for and within the State of New
11 York, do hereby certify:

12 That the witness whose examination is
13 hereinbefore set forth was duly sworn and
14 that such examination is a true record of
15 the testimony given by that witness.

16 I further certify that I am not
17 related to any of the parties to this
18 action by blood or by marriage and that I
19 am in no way interested in the outcome of
20 this matter.

21

22 IN WITNESS WHEREOF, I have hereunto
23 set my hand this 19th day of April 2022.

24

25

Nancy Weinschreider

NANCY WEINSCHREIDER

[& - accidentally]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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